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2000

ILLINOIS REGISTER

RULES OF GOVERNMENTAL AGENCIES

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OCT 27 2000
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Volume 24, Issue 44
October 27 , 2000

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ILLINOIS REGISTER

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Issue 29 - July 14, 2000: Data Through June 30, 2000
Issue 42 - October 13, 2000: Data Through September 30, 2000
Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date
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Issue 6	January 31	February I4**
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Issue 8	February 14	February 25
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Issue 12	March 13	March 24
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Issue 39	September 11	September 22
Issue 40	September 18	September 29
Issue 41	September 25	October 6
Issue 42	October 2	October 13
Issue 44	October 10*	October 20
Issue 43	October 16	October 27
Issue 44	October 23	November 3
Issue 45	October 30	November13**
Issue 46	November 6	November17
Issue 47	November13	November 27 **
Issue 48	November 20	December1
Issue 49	November 27	December 8
Issue 50	December 4	December15
Issue 51	December 11	December 22
Issue 52	December 18	December 29
Issue 1	December 26*	January 5, 2001

* Tuesday 12 noon deadline following a state holiday.
** Monday publication date following a state holiday.

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3) Section Number: Proposed Action:
310.280 Amend

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, the annual salary for the Public Service Administrator (37015-42-35-140-20-01) position is being increased from $79,728 to $82,116 at the request of the Department of Commerce and Community Affairs.

6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain any incorporations by reference? No

9) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.280	Amend	24 Ill. Reg. 5802
310.280	Amend	24 Ill. Reg. 7574
310.100	Amend	24 Ill. Reg. 10030
310.110	Amend	24 Ill. Reg. 10030
310.130	Amend	24 Ill. Reg. 10030
310.290	Amend	24 Ill. Reg. 10030
310.490	Amend	24 Ill. Reg. 10030
310.530	Amend	24 Ill. Reg. 10030
310.540	Amend	24 Ill. Reg. 10030
APPENDIX B	Amend	24 Ill. Reg. 10030
APPENDIX C	Amend	24 Ill. Reg. 10030
APPENDIX D	Amend	24 Ill. Reg. 10030
APPENDIX G	Amend	24 Ill. Reg. 10030
310.280	Amend	24 Ill. Reg. 14844

10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

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310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
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310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 2000
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
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310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.420 Objectives
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. 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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020,

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effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; amended at 25 Ill. Reg. _____,effective _____.

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II (Pos. No. 12932-42-35-110-10-02)	Annual Salary 54,048
Private Secretary II (Pos. No. 34202-42-00-000-01-02)	Annual Salary 48,492
Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	Annual Salary 62,256
Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	Annual Salary 75,588
Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	Annual Salary 82,116 ~~79,728~~

Department of Human Services

Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	Annual Salary 142,368
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	Annual Salary 73,632
Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	Annual Salary 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	Annual Salary 105,480

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Illinois State and Local Labor Relations Board

Private Secretary II (Pos. No. 34202-50-19-000-00-01)	Annual Salary 49,008

Department of Natural Resources

Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	Annual Salary 50,520

Department of State Police

Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	Annual Salary 109,358

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pre-Licensing and Continuing Education

2) Code Citation: 50 Ill. Adm. Code 3119

3)

Section Numbers:	Proposed Action:
3119.10	Amendment
3119.20	Amendment
3119.30	Amendment
3119.45	Amendment
3119.60	Amendment
Exhibit A	Repeal
Exhibit B	Repeal
Exhibit C	Repeal
Exhibit D	Repeal
Exhibit G	Amendment
Exhibit H	Amendment

4) Statutory Authority: Implementing Section 494.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/494.1 and 401].

5) A Complete Description of the Subjects and Issues Involved: The Department is initiating these amendments primarily to implement the two year renewal cycle for continuing education requirements of insurance producers which were a part of P.A. 91-234, effective January 1, 2000. The Department is also going to allow providers to use the NAIC Midwest Zone Form for certification purposes pursuant to the requirements found in Section 3119.30(a) of this Part.

In addition to minor housekeeping changes and the need for some clarification of standards, the Department is repealing Exhibits A, B, C and D at this time. Exhibits A & B of this Part are now outdated and have since been revised and posted to the Department's website at: www.state.il.us/ins/EduProviderInfo.htm. Exhibits C & D are made available in electronic format to continuing education providers upon registration with the Department.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Hamilton
Rules Unit Supervisor
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8560

or

Tim Cena
Deputy Counsel
Department of Insurance
100 West Randolph Street
Suite 15-100
Chicago, Illinois 60601-3251
(312) 814-5407

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments will affect pre-licensing and continuing education providers.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments to Section 3119.30(a) will allow providers to use the NAIC certification not previously recognized in the Department's rule.

C) Types of professional skills necessary for compliance: Administrative/Clerical

13) Regulatory Agenda on which this amendment was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was included on the July 1999 agenda.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCER, LIMITED INSURANCE REPRESENTATIVES AND REGISTERED FIRMS

PART 3119
PRE-LICENSING AND CONTINUING EDUCATION

Section
3119.10 Purpose
3119.20 Definitions
3119.30 Provider Responsibilities
3119.40 Responsibilities of Applicant for Insurance Producer Licenses and Licensed Insurance Producers Until 1/1/97 (Repealed)
3119.45 Responsibilities of the Applicant for Insurance Producer Licenses and the Licensed Insurance Producers Beginning 1/1/97
3119.50 Pre-licensing - Course of Study Requirements
3119.60 Continuing Education Requirements
3119.70 Course and Provider Disqualification
3119.80 Severability

EXHIBIT A REQUEST FOR CERTIFICATION OF A PRE-LICENSING COURSE (Repealed)
EXHIBIT B REQUEST FOR CERTIFICATION OF A CONTINUING EDUCATION COURSE (Repealed)
EXHIBIT C PROVIDER LIST - PROOF OF COMPLETION (Repealed)
EXHIBIT D PROVIDER LIST - PROOF OF COMPLETION (CONTINUING EDUCATION) (Repealed)
EXHIBIT E COURSE OF STUDY - LIFE
EXHIBIT F COURSE OF STUDY - ACCIDENT/HEALTH
EXHIBIT G COURSE OF STUDY - FIRE
EXHIBIT H COURSE OF STUDY - CASUALTY/MOTOR VEHICLE

AUTHORITY: Implementing Section 494.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/494.1 and 401].

SOURCE: Adopted at 9 Ill. Reg. 80, effective January 1, 1985; amended at 15 Ill. Reg. 69, effective January 1, 1991; amended at 16 Ill. Reg. 126, effective January 1, 1992; amended at 18 Ill. Reg. 16568, effective November 1, 1994; amended at 20 Ill. Reg. 10340, effective July 19, 1996; amended at 21 Ill. Reg. 13820, effective October 15, 1997; amended at 25 Ill. Reg. _____, effective _____.

Section 3119.10 Purpose

The purpose of this Part is to establish pre-licensing ~~prelicensing~~ education requirements for applicants for an insurance producer license, establish continuing education requirements for licensed insurance producers, and establish requirements for providers and instructors of pre-licensing

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~~prelicensing~~ and continuing education courses.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3119.20 Definitions

For the purposes of this Part, the following definitions shall apply:

Course - Any course of study certified to the Director which meets the requirements of this Part, including but not limited to seminar, classroom, self-study formats and interactive computer.

Date of Original Issue - The date of the issuance of a producer's license. Any lapse or suspension of 3 ~~three~~ years or more shall establish a new date of original issue and subject the person to this Part.

Provider - Any person who offers a course for which certification has been received by the Director.

Successful Completion - Passing an examination in accordance with criteria established by the provider.

Supervised Examination - A proctored, timed and closed book examination.

Traditional Long-Term Care (TLTC) and Long-Term Care Partnership (LTCP) Training Credit - Prescribed training required by licensed producers prior to the producer being allowed to sell TLTC and LTCP. This training is required pursuant to 50 Ill. Adm. Code 2012.122(d)(1) ~~(a)(8)~~ and 2018.80(d) and may satisfy a part of the continuing education requirement if the course is filed with the Department as a continuing education course.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3119.30 Provider Responsibilities

a) Each provider shall submit a certification ~~form~~ to the Director for each course it intends to offer for pre-licensing or continuing education credit. Certification must be in a format and contain the information as prescribed by the Director ~~on a form as prescribed by either Exhibit A or B of this Part, whichever is applicable~~. Such certification format and content have been posted to the Department's website at: www.state.il.us/ins/EduProviderInfo.htm and will be made available upon request from the Department. Use of the NAIC Midwest

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Zone Form is also permissible for purposes of certification.

b) Each provider shall submit a new certification ~~form~~ when there is a significant change in the course. No provider shall submit the same or substantially the same course content for more than one course.

c) Each provider shall maintain a copy of all instructional materials for each course. If the provider ceases to offer a course or makes a significant change in course materials, the provider shall maintain the original material for 1 ~~one~~ year from the date such course was terminated or significantly changed.

d) Each provider shall maintain the following records for 3 ~~three~~ years at a central location:

1) Classroom or seminar - roster for each classroom course or seminar identifying the instructor(s), the student, the course the location, the date and hours of attendance, the completion date, the examinations and the results of any examinations administered.

2) Self-study or interactive computer - name of student, name of course, date of completion, the examinations, the results of examinations, and other applicable proof of completion.

e) Each provider shall provide to the Director a list of students who have successfully completed a pre-licensing or continuing education course. The list shall be in a format and contain the information as prescribed by the Director. The information shall be submitted to the Director on computer diskette or other electronic method of transfer prescribed by the Director and in the specifications established by the Director. Each list shall be received by the Director within 10 ~~ten~~ days following the end of the week in which the course was completed. The list shall be compiled pursuant to the criteria established in Section 3119.50(b) and (d) or Section 3119.60(d) of this Part. The date of completion for a course with an examination shall be the date concurrent with the date the examination is graded by the provider.

f) Instructors shall meet the following minimum requirements; either a Bachelor's degree or 3 ~~three~~ years experience in the course subject matter. Providers must maintain evidence of such qualifications while the instructor is actively engaged in instructing the course and for 1 ~~one~~ year thereafter.

g) Providers shall, upon the request of the Director, provide a copy of all course material, provider records, and evidence of instructor's qualifications to the Director. All such requests shall be subject to a warrant of the Director and for the express purpose of gauging compliance with the Illinois Insurance Code and Departmental regulations pertaining thereto.

h) The Director may make arrangements, including contracting with an outside service administrator, for the purpose of administrating and collecting the educational data from the providers. Under such an arrangement all, or a portion of the reporting requirements of the provider shall be made to the servicing administrator.

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(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3119.45 Responsibilities of the Applicant for Insurance Producer Licenses and the Licensed Insurance Producers Beginning 1/1/97

a) Applicants for Insurance Producer Licenses
Prior to taking the licensing examination each applicant shall complete the pre-licensing education requirements for each class of insurance for which an examination is being taken. The pre-licensing education course must be used within 1 ~~one~~ year after completion.

b) Licensed Insurance Producers

1) Each producer shall complete 30 ~~15~~ hours of continuing education requirements prior to requesting an extension of an insurance producer license. The producer should complete the course no later than 1 month ~~four weeks~~ prior to the license extension date to allow time for the provider to submit proof of completion to the Director. Each producer shall maintain a record of each course completed for 3 ~~three~~ years from the date of completion. The record shall include the name of the provider, the course title, and the date of completion.

2) Hours taken, course material provided, or presented in whole or in part, or in conjunction with a pre-licensing course which is not certified as pre-licensing education requirement shall not be used to meet continuing education requirements.

3) Courses initiated or completed prior to the original issue date of the license shall not be used to meet continuing education requirements.

4) The credit hours will be applied in the order they are received by the Department. The producer may accumulate a maximum of 45 credit hours on file with the Department.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3119.60 Continuing Education Requirements

a) The certification ~~form~~ must be received by the Director at least 30 days prior to any course being offered.

b) For purposes of this Section, "full credit" shall mean the amount of time, as certified by the provider that is necessary for a student to study for and pass an examination, or in the case of a course with no examination, the number of documented classroom attendance hours.

c) Courses shall be intended to increase the knowledge and understanding of insurance principles and coverages, applicable laws, insurance regulations, agency management, customer service and sales. The following courses shall not be considered for continuing education:

1) Courses used for insurance pre-licensing training or insurance

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qualifying examination preparation.

2) Courses with less than 3 ~~three~~ hours of certified continuing education credit.

d) The value of course credit for purposes of this Section shall be determined as follows:

1) Supervised Examinations

A) Successful Completion
Students who successfully complete a supervised examination will receive full credit for the course.

B) Unsuccessful Completion
Students who do not successfully complete a supervised examination shall receive one hour of credit for each hour of documented classroom attendance not to exceed 50% of full credit.

2) Non-Supervised Examination

A) Successful Completion
Students who successfully complete a non-supervised examination will receive full credit for the course.

B) Unsuccessful Completion
Students who do not successfully complete a non-supervised examination will receive no credit.

3) Courses Without Examination
Students will receive credit for documented attendance based on the certified hours assigned to the course.

4) All Examinations

A) No students shall evaluate their own examination. The evaluation of the examination must be completed by the provider.

B) No provider shall furnish the answers to an examination prior to the student completing the examination.

C) Credit shall be given based only upon the results of the examination the first time the examination is completed by the student.

5) TLTC and LTCP Training Credit

A) Continuing education credit may be earned based on the criteria established in subsection (d) of this Section.

B) Training credit may be obtained after a failed examination if the provider gives, and the student successfully completes, a substantially different examination.

C) If a student receives training credit only, the provider shall issue a proof of completion certificate to the student but the certificate shall be prominently stamped "NO CON-ED CREDIT".

e) No additional credit will be given to a producer for a repeated course unless 3 ~~three~~ years have passed since credit was given for the course.

f) Until January 1, 1997, the maximum credit a producer can receive for any one course is 25 hours.

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g) After December 31, 1996, the maximum credit for any course is 15 hours.

h) Continuing education instructors may receive continuing education credit or courses they teach. The credit earned shall be determined pursuant to the criteria established in this Section.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 3119.EXHIBIT A REQUEST FOR CERTIFICATION OF A PRELICENSING COURSE (Repealed)

Please Print or Type

Provider's Name		Federal Employer's I D
Provider's Address (street, city, state, zip code)		Social Security #-Individual
Contact Person	1. Published Phone #	2. Phone # for Contact Person
Course Title	First date course to be offered	Public Education Yes () No ()

Class of Insurance to which Course is Applicable

_____ Life _____ Accident & Health _____ Property _____ Casualty _____ Motor Vehicle

INSTRUCTIONS

1 **DO NOT SEND PAYMENT WITH THIS REQUEST.** Upon approval you will be billed the appropriate fee
2 Submit a separate Exhibit A for **each** class of insurance
3 In addition to this request, please submit a timed course outline in accordance with Exhibits E, F, G and H in Rule 3119
4 Record all times in **hours**
5 If using a publisher's course submit a copy of the title page with date of copyright and exam method, if any

Please indicate in the boxes below the amount of time you will spend on each type of instruction method
1 = Classroom **only** 2 = self-study **only** 3 = interactive computer **only** 4 = combination method **only**

Type of Instruction	Method 1	2	3	4
Classroom or Seminar Hours				
Self-Study Hours (must have exam)				
Interactive Computer Hours				
Other Hours				
Exam Hours				
Total Number of Credit Hours Requested				
Exam Method S=Supervised N=Nonsupervised O=No Exam				

-Director's Use Only-

___ Course certified for ___ education hours
___ Course not certified

Comments

By _____ Date _____

We certify the above information is accurate and failure to comply with 50 Ill. Adm. Code 3119 may result in disqualification

X _____ _____
Signature Date

X _____ _____
Printed Name Title

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(Source: Repealed at 25 Ill. Reg. _____, effective _____)

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Section 3119.EXHIBIT B REQUEST FOR CERTIFICATION OF A CONTINUING EDUCATION COURSE (Repealed)

Please Print or Type

Provider's Name	Federal Employer's I.D
Provider's Address (street, city, state, zip code)	Social Security #-Individual
Contact Person / 1. Published Phone #	2. Phone # for Contact Person
Course Title / First date course to be offered	Public Education Yes () No ()

Class of Insurance to which Course is Applicable

____ Life ____ Accident & Health ____ Property ____ Casualty ____ Motor Vehicle
____ Long-Term Care (1) ____ Long-Term Care Partnership (2)

(1) Specific content established by 50 Ill. Adm. Code 2012. (2) Specific content established by 50 Ill. Adm. Code 2018.

INSTRUCTIONS

1. **DO NOT SEND PAYMENT WITH THIS REQUEST.** Upon approval you will be billed the appropriate fee
2. Self-study courses must have an examination
3. Credit will not be given to sales, marketing, prospecting or other non-insurance content unless material is incidental to and an integral part of the course
4. No credit will be given for general business, accounting, management, communication or computer operations
5. In addition to this request, submit a **TIMED** course outline including a course objective statement
6. For credit purposes, 50 minutes = 1 hour in Illinois
7. Record all times in **hours**. Maximum credit (25 hours), minimum credit (3 hours)
8. If using a publisher's course, submit a copy of the title page with date of copyright and exam method, if any

Please indicate in the boxes below the amount of time you will spend on each type of instruction method
1 = Classroom **only**, 2 = self-study **only**, 3 = interactive computer **only**, 4 = combination method **only**

Type of Instruction	Method 1	2	3	4
Classroom or Seminar Hours				
Self-Study Hours				
Interactive Computer Hours				
Other Hours				
Exam Hours				
Total Number of Credit Hours Requested				
Exam Method S=Supervised N=Nonsupervised O=No Exam				

-Director's Use Only-

____ Course certified for ____ CE Hours
____ Course not certified

Comments

By _____ Date _____

We certify the above information is accurate and failure to comply with 50 Ill. Adm. Code 3119 may result in disqualification

X _____ Date
Signature

X _____ Title
Printed Name

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(Source: Repealed at 25 Ill. Reg. _____, effective _____)

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Section 3119.EXHIBIT C PROVIDER LIST - PROOF OF COMPLETION FOR PRE-LICENSING EDUCATION (Repealed)

Information Must Be Printed or Typed or Computer Generated

Course Number	Credit Hours (15 maximum/7 1/2 MV)
Course Title	
Reporting Period Week (month/day-day/year)	Date Submitted
Certified Provider Name	
Provider Federal Employer's ID Number (FEIN)	Provider Social Security Number (If an individual)

I certify that the information in this provider list is true and correct to the best of my knowledge; and that a false statement is cause for provider disqualification

Authorized Signature of Provider / Date

Printed Name of Authorized Signature / Printed Name of Instructor

INSTRUCTIONS

1 Providers must submit a list of course data and student data as illustrated in the format on this form to the Department or to the Department s designee

2 For every course completed, the list must be **received** within 10 days of the **end of the week** in which the course was completed. Submit a list for each course completed during the reporting period and arrange the student names in alphabetical order by date of completion. Early submissions are welcome

3 If additional space is needed to accommodate the student list, each page should be headed as follows

COURSE NUMBER PROVIDER NAME REPORTING PERIOD

	SOC SEC NUMBER	STUDENT NAME	CLASS (L, AH P/C MV)	DATE COURSE COMPLETED
1				
2				
3				
4				
5				
6				
7				

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(Source: Repealed at 25 Ill. Reg. _____, effective _____)

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Section 3119.EXHIBIT D PROVIDER LIST - PROOF OF COMPLETION FOR CONTINUING EDUCATION (Repealed)

Information Must Be Printed or Typed or Computer Generated

Course Number	Credit Hours (25 maximum/15=1/1/97)
Course Title	
Reporting Period Week (month/day-day/year)	Date Submitted
Certified Provider Name	
Provider Federal Employer s ID Number (FEIN)	Provider Social Security Number (If an individual)

I certify that the information in this provider list is true and correct to the best of my knowledge; and that a false statement is cause for provider disqualification

Authorized Signature of Provider / Date

Printed Name of Authorized Signature / Printed Name of Instructor

INSTRUCTIONS

1. Providers must submit a list of course data and student data as illustrated in the format on this form to the Department or to the Department's designee
2. For **every** course completed the list must be **received** within 10 days of the **end of the week** in which the course was completed. Submit a list for each course completed during the reporting period and arrange the student names in alphabetical order by date of completion. Early submissions are welcome
3. If additional space is needed to accommodate the student list, each page should be headed as follows

 COURSE NUMBER PROVIDER NAME REPORTING PERIOD
4. The student "credit earned" column does **not** have to be completed unless the hours earned are less than full credit

	SOC SEC NUMBER	STUDENT NAME	CREDIT EARNED	DATE COURSE COMPLETED
1				
2				
3				
4				
5				
6				
7				

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(Source: Repealed at 25 Ill. Reg. _____, effective _____)

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Section 3119.EXHIBIT G COURSE OF STUDY - FIRE

Course of Study Content Requirements	Time Distribution Requirements
I. Insurance and Insurance-Related Concepts	25%
A. Risks	
B. Hazards	
C. Indemnity	
D. Insurable interest	
E. Actual cash value	
F. Replacement cost	
G. Coinsurance	
H. Specified (named) perils	
I. All-risk	
J. Burglary	
K. Robbery	
L. Theft	
M. Mysterious disappearance	
N. Negligence	
O. Liability	
P. Accident	
Q. Occurrences	
R. Warranties	
S. Representations	
II. Policy Provision	20%
A. Declarations	
B. Definition of the insured	
C. Insuring agreement	
D. Duties of the insured	
E. Obligations of the company	
F. Cancellation and nonrenewal provisions	
G. Supplementary payments (additional coverages)	
H. Vacancy and unoccupancy	
I. Abandonment	
J. Mortgage rights	
K. Proof of loss (notice of claim)	
L. Appraisals	
M. Pro-rate liability (other insurance)	
N. Assignment	
O. Subrogation	
P. Compliance with provisions of Fair Credit Reporting Act	
III. Types of Policies	25%

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A. Standard fire policy	
1. General property form including extended coverage	
2. Time element policy	
a. Gross earnings	
b. Earnings	
c. Extra expense	
B. Homeowners	
C. Inland marine-Personal article floater and pleasure craft	
D. Special multi-peril	
E. National flood	
F. FAIR plan	
G. Mine subsidence	
IV. Perils, Exclusions, Deductibles, and Liability	24%
A. Property covered	
B. Perils covered	
C. Exclusions, extensions, limitations, and conditions	
D. Deductibles	
E. Limits of liability	
F. Bodily injury and property damage liability	
V. Prospecting and Evaluating Needs	2%
A. Keeps current as to changes (e.g., markets, introduction of new coverages) in types of coverages that might expand coverage for current clients or increase the number of potential clients	
B. Reviews prospect's existing policies to prevent duplication of coverage and determine areas of further potential coverage	
C. Obtains information necessary to analyze risks, hazards, and exposures	
D. Analyzes risks, hazards, and exposure in order to determine prospect's needs	
E. Evaluates continued adequacy of protection, determines unprotected exposures, and recommends suitable changes in coverage	
F. Contacts accounts at renewal time and reviews existing policies	
VI. Servicing Clients	2%
A. Explains services (e.g., claims, safety programs) provided by insurance producer ~~agent~~ and company	
B. Assists policyowner with service needs (e.g., change of name, change of mode of premium payment)	
C. Maintains accurate records of client data (e.g., change of address)	
D. Assists in filing and following up on claims	

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VII. Presentation and Acceptance 2%

A. Informs insured and carrier of data and time coverage takes effect
B. Prepares and forwards proposal, application, and other pertinent information to appropriate carrier for underwriting and premium determination
C. Maintains complete records of all business transactions as required (e.g., pending files, binders, binder charges, and premium accounting)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 3119.EXHIBIT H COURSE OF STUDY - CASUALTY/MOTOR VEHICLE

Course of Study Content Requirements — Time Distibution Requirements

I. Insurance and Insurance-Related Concepts 25%

A. Risks
B. Hazards
C. Indemnity
D. Insurable interest
E. Actual cash value
F. Negligence
G. Liability
H. Accident
I. Occurrence
J. Burglary
K. Robbery
L. Theft
M. Mysterious disappearance
N. Fidelity (employee dishonesty)
O. Warranties
P. Representations

II. Policy Provisions 20%

A. Declarations
B. Definition of the insured
C. Insuring agreement
D. Duties of the insured
E. Obligations of the company
F. Cancellation and nonrenewal provisions
G. Supplementary payments (additional coverages)
H. Proof of loss (notice of claim)
I. Arbitration
J. Pro rata liability (other insurance)
K. Subrogation
L. Compliance with provisions of Fair Credit Reporting Act

III. Types of Policies 25%

A. General liability

1. Owners, landlords, and tenants
2. Manufacturers, contractors
3. Products and completed operations
4. Contractual liability
5. Comprehensive general liability

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B. Automobile-Personal and commercial auto insurance, including assigned risk and involuntary plans
C. Workers Conpensation
D. Crime

1. Fidelity
2. Open stock burglary
3. Mercantile robbery and safe burglary
4. Money and security broad form

IV. Perils, Exclusions, Deductibles, and Liability 24%

A. Bodily injury and property damage liability
B. Perils covered
C. Exclusions, extensions, limitations, and conditions
D. Limits of liability
E. Deductibles

V. Prospecting and Evaluating Needs 2%

A. Keeps current as to changes (e.g., markets, introduction of new coverages) in types of coverages that might expand coverage for current clients or increase the number of potential clients
B. Reviews prospect's existing policies to prevent duplication of coverage and determine areas of further potential coverage
C. Obtains information necessary to analyze risks, hazards, and exposures
D. Analyzes risks, hazards, and exposures in order to determine prospect's needs
E. Evaluates continued adequacy of protection, determines unprotected exposurers, and recommends suitable changes in coverage
F. Contracts accounts at renewal time and reviews existing policies.

VI. Servicing Clients 2%

A. Explains services (e.g., claims, safety programs) provided by insurance producer ~~agent~~ and company
B. Assists policyowner with service needs (e.g., change of name, policy loans, change of mode of premium payment)
C. Maintains accurate records of client data (e.g., change of address)
D. Assists in filing and following up of claims

VII. Presentation and Acceptance 2%

A. Informs insured and carrier of date and time coverage takes effect

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B. Prepares and forwards proposal, application, and other pertinent information to appropriate carrier for underwriting and premium determination
C. Maintains complete records of all business transactions as required (e.g., pending files, binders, and binder charges)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3)

Section Numbers:	Proposed Action:
611.126	Amendment
611.131	Amendment
611.261	Amendment
611.262	Amendment
611.300	Amendment
611.351	Amendment
611.352	Amendment
611.354	Amendment
611.355	Amendment
611.356	Amendment
611.357	Amendment
611.358	Amendment
611.359	Amendment
611.360	Amendment
611.606	Amendment
611.648	Amendment
611.745	Amendment
611.832	Repeal
611.840	Amendment
611.851	Repeal
611.852	Repeal
611.853	Repeal
611.854	Repeal
611.855	Repeal
611.856	Repeal
611.858	Repeal
611.860	Amendment
611.881	Amendment
611.883	Amendment
611.884	Amendment
611.885	Amendment
611.901	New
611.902	New
611.903	New
611.904	New
611.905	New
611.906	New
611.907	New
611.908	New
611.909	New
611.910	New
APPENDIX A	Repeal, New
APPENDIX E	Amendment

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APPENDIX F	Repeal, New
APPENDIX G	Repeal, New
APPENDIX H	Repeal, New
APPENDIX I	New
TABLE G	Amendment

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of October 5, 2000, proposing amendments in consolidated dockets R01-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois drinking water regulations based on the federal Safe Drinking Water Act (SDWA), 42 U.S.C. 300f et seq. (1998), rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R01-7	Federal SDWA amendments that occurred during the period January 1, 2000, through June 30, 2000.

The R01-7 docket amends rules in Part 611. The following table briefly summarizes the federal actions in the update period:

65 Fed. Reg. 1950 (January 12, 2000)	USEPA made a number of minor amendments to the lead and copper rule in order to facilitate implementation of the rule.
65 Fed. Reg. 11372 (March 2, 2000)	USEPA amended its September 17, 1999 (64 Fed. Reg. 50556) unregulated contaminants monitoring rule.
65 Fed. Reg. 20304 (April 14, 2000)	USEPA adopted amendments to the December 16, 1998 interim enhanced surface water treatment rule (64 Fed. Reg. 69478) and the Stage 1 disinfectants and disinfectant byproducts rule (64 Fed. Reg. 69390).
65 Fed. Reg. 25982 (May 4, 2000)	USEPA adopted amendments to the public notification rules, which prescribe the form, manner, content, and frequency of public

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	notice under the drinking water rules. The amendments implement the community-right-to-know provisions of the SDWA Amendments of 1996.
65 Fed. Reg. 34404 (May 30, 2000)	USEPA removed the maximum contaminant level goal (MCLG) of zero for chloroform in drinking water. This was in response to the vacatur in Chlorine Chemistry Council and Chemical Manufacturers Association v. EPA, slip op., No. 98-1627 (D.D.C. March 31, 2000).
65 Fed. Reg. 37052 (June 13, 2000)	USEPA withdrew its April 14, 2000 direct final rule relating to the interim enhanced surface water treatment rule and the Stage 1 disinfectants and disinfectant byproducts rule in response to adverse public comments.
65 Fed. Reg. 38629 (June 21, 2000)	USEPA corrected its May 4, 2000 public notification rule.
65 Fed. Reg. 40520 (June 30, 2000)	USEPA corrected its May 4, 2000 public notification rule.

Among the various federal SDWA amendments examined by the Board and listed above, there are some on which no Board action will be necessary in the present update docket R01-7. The reasons why no Board action will be necessary vary from one federal action to another. The Board lists these four federal actions among those considered in this docket for the benefit of the regulated community, but we do not further discuss them in this opinion.

1. No Board action will be necessary on the federal action of March 2, 2000 (65 Fed. Reg. 11372). The federal action amended the September 17, 1999 (64 Fed. Reg. 50556) unregulated contaminants monitoring rule. In the prior update docket SDWA Update, USEPA Amendments (July 1, 1999, through December 31, 1999) (July 22, 2000), R00-12, the Board determined that it was not necessary to incorporate the unregulated contaminants monitoring rule into the Illinois drinking water regulations.

2. Similarly, no Board action will be necessary on the federal action of April 14, 2000 (65 Fed. Reg. 20304). These amendments to the December 16, 1998 interim enhanced surface water treatment rule (64 Fed. Reg. 69478) and the Stage 1 disinfectants and disinfectant byproducts rule (64 Fed. Reg. 69390) were a direct final rule. On June 13, 2000 (65 Fed. Reg. 37052; see below), USEPA withdrew these amendments in response to adverse public comments.

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3. No action will be necessary as to the federal cleanup amendments of May 30, 2000 (65 Fed. Reg. 34404). The USEPA removal of the MCLG for chloroform in response to the decision in Chlorine Chemistry Council and Chemical Manufacturers Association v. EPA, slip op., No. 98-1627 (D.D.C. March 31, 2000), did not affect any rule with a counterpart in the Illinois regulations. The MCLGs are outside the Board's SDWA identical-in-substance mandate, so no Board actions will be needed to incorporate these amendments into the Illinois rules.

4. The federal action of June 13, 2000 (65 Fed. Reg. 37052), was the withdrawal of the amendments of April 14, 2000 (65 Fed. Reg. 20304; see above) to the interim enhanced surface water treatment rule and the Stage 1 disinfectants and disinfectant byproducts rule.

Thus, the Board is acting in this consolidated R01-7 docket on the following USEPA amendments:

65 Fed. Reg. 1950 (January 12, 2000)	Amendments to the lead and copper rule.
65 Fed. Reg. 25982 (May 4, 2000)	Amendments to the public notification rules.
65 Fed. Reg. 38629 (June 21, 2000)	Corrections to the public notification rule.
65 Fed. Reg. 40520 (June 30, 2000)	Corrections to the public notification rule.

The amendments to Part 611 implement this four sets of federal amendments.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in this Proposal for Public Comment from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in this second table are not directly derived from the current federal amendments. These tables are reproduced from the tables that appear in the Board's opinion of October 5, 2000, in docket R01-7. Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

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Table 1:
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
611 Table of Contents, heading of Section 611.908	141 Table of Contents	Changed "SCML for fluoride" to "fluoride secondary standard"
611 Table of Contents, heading of Section 611.909	141 Table of Contents	Deleted abbreviation "NCWS"
611 Table of Contents, heading of Section 611.910	141 Table of Contents	Changed "primacy agency" to "Agency"; changed to indefinite article "a"
611 Table of Contents, heading of Appendix F	141.85(a)(2)	Added a separate appendix for text moved from a federal section into a separate appendix
611.126(b)(3)	141.43(d)(3)	Added "that are" for enhanced clarity
611.300(d)(3)	141.11(d)(2)	Changed to the defined abbreviation "NCWS"; changed "system" to "supplier"
611.351(b)	141.81(b)	Changed "shall" to "must"; changed "State" to "Agency"; changed "determines" to "determines are"
611.351(b)(2)	141.81(a)(2)	Changed to singular "a water supplier"; changed "system" to "supplier"; added "that is"; changed "shall" to "must" (twice); changed "continue" to "must continue" for enhanced clarity;
611.351(b)(3)(A)	141.81(b)(3)(i)	Used lower-case "method detection limit"; parenthetically added the standardized abbreviation "MDL"; used the standardized abbreviation "PQL"
611.351(b)(3)(B)	141.81(b)(3)(ii)	Changed "shall" to "must" (twice)
611.351(b)(3)(B) Board note	141.81(b)(3)(ii)	Added an explanation of the past date in the text and its retention
611.351(b)(3)(C)	141.81(b)(3)(iii)	Changed "shall" to "must"; changed "State" to "Agency" (twice); changed "State may" to "Agency must"; changed "the State deems appropriate" to "if the Agency determines that the additional monitoring is necessary and appropriate"; changed "systems maintain" to singular "the system maintains"; changed "the" to "its"
611.351(b)(3)(D)	141.81(b)(3)(iv)	Changed "system" to "supplier"; changed "shall" to "must"; added a comma before "unless" to offset a parenthetical
611.351(b)(3)(E)	141.81(b)(3)(iv)	Changed "system" to "supplier" (twice); changed "shall" to "must" (twice); changed "large system" to "large system supplier"; changed "medium-size systems"

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		to singular "a medium-size system supplier"
611.352(g)	141.82(g)	Changed "shall" to "must" (twice); changed "State" to "Agency" (twice); changed "as follows" to "as provided in subsections . . ."; changed "States may" to "the Agency must . . . that it determines are"
611.352(g)(1)	141.82(g)(1)	Changed "shall" to "must"; changed "they" to "the samples"
611.352(g)(1) Board note	141.82(g)(1)	Placed language relating to federal approval of an alternative formula in an explanatory Board note; changed "EPA" to "USEPA"; changed "shall" to "must"
611.352(g)(2)	141.82(g)(2)	Changed "shall" to "must"
611.352(g)(3)	141.82(g)(3)	Changed "shall" to "must"
611.354(b)(3)	141.84(b)	Changed "portion(s)" to "portions"; added "of the system" for enhanced clarity; changed "system" to "supplier"
611.354(d)	141.84(d)	Changed "system" to "supplier" (six times); changed "shall" to "must" (three times); changed the ending punctuation to a colon

611.354(d)(1)	141.84(d)(1)	Added "notice prior to . . . work" to allow subdivision into subsections
611.354(d)(1)(A)	141.84(d)(1)	Changed "commencing with" to "commencing"; changed "system" to "supplier"; changed "shall" to "must"; changed "resident(s)" to "residents"
611.354(d)(1)(B)	141.84(d)(1)	Changed "State" to "Agency"; added the parenthetical "by issuing . . . SEP"; changed "system" to "supplier"; added "it determines that"
611.354(d)(1)(C)	141.84(d)(1)	Changed "system" to "supplier" (three times); changed "shall" to "must" (twice); changed "resident(s)" to "residents" (twice); changed "system's" to "supplier's"; changed "prescribed under" to "prescribed by"
611.354(d)(1)(D)	141.84(d)(1)	Changed "shall" to "must"
611.354(d)(2)	141.84(d)(2)	Changed "system" to "supplier" (twice); changed "shall" to "must" (twice); changed "State" to "Agency"; added "by a SEP . . ."; changed "line" to "service line"
611.354(e)(2)	141.84(e)(2)	Corrected the cross-reference to "subsection (e)(1)"

611.355(a)(1)	141.85(a)(1)	Changed "suppliers" to singular "a supplier" (twice); changed "State" to "Agency" (twice); added "by a SEP . . . 611.110" (twice); added "Appendix E" to accommodate rendering of 40 C.F.R. 141.85(a)(1) as 35 Ill. Adm. Code 611.Appendix E"; deleted extended volume information to use the standard citation format to 40 C.F.R. 141.85, adding the date
611.355(a)(1) Board note	141.85(a)(1)	Added the note explaining the retention of the *Code of Federal Regulations* citation
611.355(a)(2)	141.85(a)(2)	Changed "shall" to "must" (three times); changed "following text" to "text set forth . . ." to accommodate rendering of 40 C.F.R. 141.85(a)(1) as 35 Ill. Adm. Code 611.Appendix F; changed "lay people" to "lay persons"
611.355(c)(2)	141.85(c)(2)	Removed unnecessary commas after "3611.356" and "(c)(8)"; changed "that" to "which" for a subsequent restrictive clause;
611.355(c)(2)(A)	141.85(c)(2)(i)	Used the defined abbreviation "CWS"; added "supplier"; removed an unnecessary

		comma after "level"; added "a CWS supplier"; removed an unnecessary comma after "system"; added a comma after "Section" to offset a parenthetical; changed "water systems" to singular " a water supplier" changed "shall" to "must"
611.355(c)(4)(B)	141.85(c)(4)(ii)	Changed "State" to "Agency", added "by a SEP . . . 611.110" offset by commas
611.355(c)(7)	141.85(c)(7)	Changed to defined abbreviation "CWS"; added "supplier"; changed "State" to "Agency"; deleted unnecessary words "in writing . . . approval)"; changed "paragraph (a)(2)" to "Appendix F of this Part"; changed "paragraph (a)(1)" to "Appendix E of this Part"
611.355(c)(7)(A)	141.85(c)(7)(i)	Changed "system" to "supplier"
611.355(c)(7)(B)	141.85(c)(7)(ii)	Added a comma to offset an independent clause; added "it" to create an independent clause for enhanced clarity
611.355(c)(8)	141.85(c)(8)	Added introductory language to justify the subsection
611.355(c)(8)(A)	141.85(c)(8)(i)	Changed to the defined abbreviation "CWS"; added "supplier";

		changed "paragraph (a)(1)" to "Appendix E of this Part"; changed to singular "a supplier"; changed "system" to "supplier"; changed "their" to "its"
611.355(c)(8)(A)(i)	141.85(c)(8)(i)(A)	Changed "systems" to singular "a supplier"; changed "system" to "supplier"; changed "State" to "Agency"
611.355(c)(8)(A)(ii)	141.85(c)(8)(i)(B)	Changed "State" to "Agency"; added "by a SEP . . . 611.110"; changed "and/or" to "or"
611.355(c)(8)(B)	141.85(c)(8)(ii)	Changed to the defined abbreviation "CWS"; added "supplier"; changed "shall" to "must"; changed "system" to "supplier"
611.356(b)(2)(C)	141.86(b)(2)	Changed "shall" to "must"
611.356(b)(2)(D)	141.86(b)(2)	Subdivided the subsection; changed "shall" to "must" (twice)
611.356(b)(2)(E)(ii)	141.86(b)(2)	Changed "EPA" to "USEPA"
611.356(b)(5)	141.86(b)(5)	Subdivided the subsection; added introductory language to justify the subsection
611.356(b)(5)(A)	141.86(b)(5)	Subdivided the subsection; changed to defined abbreviation

		"NTNCWS"; added "supplier" (twice); changed to defined abbreviation "CWS"; changed "State" to "Agency"; added "by a SEP . . . 611.110"
611.356(b)(5)(B)	141.86(b)(5)	Subdivided the subsection; changed "such systems" to "a supplier approved . . . samples"
611.356(b)(5)(C)	141.86(b)(5)	Subdivided the subsection; changed "the State has discretion to waive" to "the Agency may grant a SEP that waives"; changed "State" to "Agency"
611.356(c)(2)	141.86(c)(2)	Changed "shall" to "must"; changed "States" to "the Agency"; added "by a SEP . . . 611.110" offset by commas
611.356(d)(4)(B)(i)	141.86(d)(4)(ii)	Changed "State" to "Agency"; added "in the form of a SEP . . . 611.110"
611.356(d)(4)(B)(i)	141.86(d)(4)(iii)	Changed "State shall" to "Agency must"; changed "shall" to "must"; added "by a SEP . . . 611.110"
611.356(d)(4)(C)(ii)	141.86(d)(4)(iii)	Changed "State" to "Agency"; added "in the form of a SEP . . . 611.110"

611.356(d)(4)(D)(i)	141.86(d)(4)(iv)(A)	Changed "State may, at its discretion approve" to "Agency may grant . . . that approves"; changed "shall" to "must"; used the defined abbreviation "NTNCWS"; added "supplier"; changed "the State shall" to "the Agency must"
611.356(d)(4)(D)(ii)	141.86(d)(4)(iv)(B)	Changed "systems" to singular "a supplier" (twice); removed unnecessary commas after "annually" and "Section"; changed "that" to "which" for a subsequent restrictive relative clause (three times); changed to singular "receives" (three times); changed "State" to "Agency" (three times); changed "their" to "its" (five times); changed "triennially" to "once every three years" (twice); changed to singular "has"; removed unnecessary comma after "September"; changed "under" to "as provided in"; deleted unnecessary comma after "Section"; changed "small systems with waivers . . . have" to "a small system supplier with a waiver . . . has"; deleted unnecessary comma after "Section"; changed "which" to "that" for a subsequent relative clause; changed to singular "receives"; changed "39-year period" to the defined "nine-year compliance cycle (as . . . 611.101)"
611.356(d)(4)(E)	141.86(d)(4)(v)	Changed to written "six"; changed "which" to "that"
611.356(d)(4)(F)(i)	141.86(d)(4)(vi)(A)	Changed "and/or" to "or"; changed "triennial monitoring" to "monitoring every three years"
611.356(d)(4)(F)(ii)	141.86(d)(4)(vi)(B)	Changed "shall" to "must"
611.356(d)(4)(G)	141.86(d)(4)(vii)	Changed "system" to "supplier"; changed "shall" to "must"; changed "State" to "Agency", added "by a SEP . . . 611.110"
611.356(d)(4)(H)	141.86(d)(4)(vi)(B)	Restructured material to restrict the subsections to four indent levels; added introductory statement
611.356(d)(4)(H)(i)	141.86(d)(4)(vi)(B)(*1*)	Restructured; changed "system" to "supplier" (twice); changed "State" to "Agency"; added "by a SEP . . . 611.110"
611.356(d)(4)(H)(ii)	141.86(d)(4)(vi)(B)(*2*)	Restructured; changed "system" to "supplier"; changed "triennial monitoring" to "monitoring . . . once every three years" (twice); added "by a SEP . . . 611.110";

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		changed "State" to "Agency"
611.356(d)(4)(H)(iii)	141.86(d)(4)(vi)(B)(3)	Restructured; changed "system" to "supplier"; changed "triennial monitoring" to "monitoring . . . once every three years" (twice)
611.356(d)(4)(H) Board Note	141.86(d)(4)(vi)(B)	Added an explanation of the restructuring of the federal provision
611.356(f)(1)	141.86(f)(1)	Changed "State" to "Agency"; changed "shall" to "must"; removed potentially confusing "at least" from before "if"; added "it determines that"; changed "is met" to "exists"
611.356(f)(1)(A)	141.86(f)(1)(i)	Changed ending punctuation to a semicolon
611.356(f)(1)(B)	141.86(f)(1)(ii)	Deleted the unnecessary words "determines that"; changed ending punctuation to a semicolon
611.356(f)(1)(C)	141.86(f)(1)(iii)	Changed ending punctuation to a semicolon, adding the conjunction "or"
611.356(f)(2)	141.86(f)(2)	Changed "system" to "supplier" (twice); changed "State" to "Agency"
611.356(f)(3)	141.86(f)(3)	Changed "States" to "the Agency"

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611.356(f)(4)	141.86(f)(4)	Changed "system" to "supplier" (twice); changed "State" to "Agency"; changed "shall" to "must" (twice)
611.356(g)	141.86(g)	Changed "small systems" to "small system suppliers"; changed "small system" to "small system supplier" (twice); changed "State" to "Agency"; deleted "if State regulations permit" from before "any"
611.356(g)(1)	141.86(g)(1)	Changed "system" to "supplier"; changed "and/or" to "or"
611.356(g)(1)(A)	141.86(g)(1)(i)	Changed "system" to "supplier"; changed "State" to "Agency"
611.356(g)(1)(A)(ii)	141.86(g)(1)(i)(B)	Changed "any standard established . . ." to "NSF Standard 61 . . ."
611.356(g)(1)(A)(ii) Board note	141.86(g)(1)(i)(B)	Added Board note to explain the substitution of the standard for the federal text, citing the *Federal Register* notice
611.356(g)(1)(B)	141.86(g)(1)(ii)	Changed "system" to "supplier"; changed "State" to "Agency"
611.356(g)(2)	141.86(g)(2)	Changed "system" to "supplier"; changed to written "six"; changed "State" to "Agency"; changed the ending punctuation of a colon

611.356(g)(2)(A)	141.86(g)(2)(i)	Changed "system" to "supplier"
611.356(g)(2)(B)	141.86(g)(2)(ii)	Changed "system" to "supplier"
611.356(g)(3)	141.86(g)(2)(ii)	Changed "State" to "Agency" (three times); changed "shall" to "must"; changed "system" to "supplier" (three times); added "by a SEP . . . 611.110"
611.356(g)(4)	141.86(g)(4)	Changed "systems" to "suppliers"
611.356(g)(4)(A)	141.86(g)(4)(i)	Changed "system" to "supplier"; changed "State" to "Agency"
611.356(g)(4)(B)	141.86(g)(4)(ii)	Changed "system" to "supplier" (twice)
611.356(g)(4)(C)	141.86(g)(4)(iii)	Changed "system" to "supplier" (three times); changed "State" to "Agency" (twice); changed "system's" to "supplier's"; changed "and/or" to "or"; changed "round(s)" to "rounds"
611.356(g)(4)(D)	141.86(g)(4)(iv)	Changed "system" to "supplier" (twice); changed "shall" to "must"; changed "State" to "Agency"
611.356(g)(5)	141.86(g)(5)	Changed "system" to "supplier" (twice)
611.356(g)(5)(A)	141.86(g)(5)(i)	Changed "system" to "supplier"

611.356(g)(5)(B)	141.86(g)(5)(ii)	Changed "system" to "supplier"
611.356(g)(5)(C)	141.86(g)(5)(iii)	Changed "system" to "supplier"
611.356(g)(6)	141.86(g)(6)	Changed "system" to "supplier"; changed "State" to "Agency"
611.356(g)(6)(A)	141.86(g)(6)(i)	Changed "system" to "supplier" (twice); changed "and/or" to "or"
611.356(g)(6)(B)	141.86(g)(6)(ii)	Changed "system" to "supplier" (twice)
611.356(g)(7)	141.86(g)(7)	Changed "system" to "supplier"; changed "State" to "Agency"; changed "shall" to "must"
611.356(g)(7) Board note	141.86(g)(7)	Added an explanation of retention of a past date
611.356(g)(7)(A)	141.86(g)(7)(i)	Changed "system" to "supplier" (three times); changed "shall" to "must"
611.356(g)(7)(B)	141.86(g)(7)(ii)	Changed "system" to "supplier" (three times); changed "shall" to "must" (three times)
611.356(g)(7)(B) Board note	141.86(g)(7)(ii)	Added an explanation of retention of a past date
611.357(c)(3)	141.87(c)(3)	Changed "shall" to "must"; changed "State" to "Agency"
611.357(d)(2)	141.87(d)	Changed "shall" to "must"

611.357(d)(3)	141.87(d)	Placed this provision as a separate subsection; changed "State" to "Agency"; changed "shall" to "must"
611.357(e)(2)(B)	1411.8(e)(2)(ii)	Changed "system" to "supplier"; added "the following"; added the ending colon; subdivided the text into three subsections
611.357(e)(2)(B)(i)	141.87(e)(2)(ii)	Added subsection number
611.357(e)(2)(B)(ii)	141.87(e)(2)(ii)	Added subsection number
611.357(e)(2)(B)(iii)	141.87(e)(2)(ii)(C)	Added subsection number; changed "State" to "Agency"
611.357(e)(3)	141.87(e)(3)	Changed "shall" to "must"
611.357(e)(4)	141.87(e)(4)	Changed "shall" to "must"; changed "and/or" to "or"; changed "triennial monitoring" to "monitoring once every three years"
611.358(a)(1)(A)	141.88(a)(1)(i)	Changed "groundwater systems" to "a groundwater supplier"; changed "shall" to "must" (twice); changed "which" to "that" for a restrictive relative clause; changed "system" to "supplier"
611.358(a)(1)(B)	141.88(a)(1)(ii)	Changed "surface water systems" to "a surface water supplier"; changed "shall" to "must" (twice); changed

		"which" to "that" for a restrictive relative clause; changed "system" to "supplier"
611.358(a)(1)(C)	141.88(a)(1)(iii)	Changed "system" to "supplier" (twice)
611.358(a)(1)(D)	141.88(a)(1)(iv)	Changed "State" to "Agency"; added parenthetical offset by commas "by a SEP . . . 611.110"; changed "then either" to "then the supplier . . . following"
611.358(a)(1)(D)(i)	141.88(a)(1)(iv)(A)	Changed to active voice "the supplier must . . . sample"
611.358(a)(1)(D)(ii)	141.88(a)(1)(iv)(B)	Changed "system" to "supplier"
611.358(e)(1)	141.88(e)(1)	Changed "system" to "supplier"
611.358(e)(1)(A)	141.88(e)(1)(i)	Changed "system" to "supplier"
611.358(e)(1)(B)	141.88(e)(1)(ii)	Changed "State" to "Agency"; added parenthetical offset by commas "by a SEP . . .
611.358(e)(2)	141.88(e)(2)	Changed "system" to "supplier"
611.358(e)(2)(A)	141.88(e)(2)(i)	Changed "system" to "supplier"; changed "State" to "Agency"; changed "in" to "under"
611.358(e)(2)(B)	141.88(e)(2)(ii)	Changed "State" to "Agency"; added parenthetical offset by commas "by a SEP . . . 611.110"; changed

		"system" to "supplier"
611.359(a)(2)(C)	141.89(a)(2)(iii)	added parenthetical offset by commas "as defined . . . 611.350(a)"
611.360(a)(1)(B)	141.90(a)(1)(ii)	Changed "system" to "supplier"
611.360(a)(1)(D)	141.90(a)(1)(iv)	Changed "State" to "Agency"
611.360(a)(1)(H)	141.90(a)(1)(viii)	Changed "system" to "supplier"; changed "shall" to "must"; added a comma before "unless" to offset a parenthetical; changed "State" to "Agency"; added parenthetical offset by commas "by a SEP . . . 611.110"
611.360(a)(2)	141.90(a)(2)	Changed to defined abbreviations "NTNCWS supplier" and "CWS supplier"; changed "that" to "which" for a subsequent restrictive relative clause; changed "system" to "supplier"; changed "must either" to "must do either of the following"
611.360(a)(2)(A)	141.90(a)(2)(i)	Changed "State" to "Agency" (three times); changed "identifying" to "that identifies"; changed "system" to "supplier"
611.360(a)(2)(A) Board note	141.90(a)(2)(i)	Added an explanation of retention of a past date

611.360(a)(2)(B)	141.90(a)(2)(ii)	Changed "State" to "Agency"; changed "system" to "supplier"
611.360(a)(3)	141.90(a)(3)	Changed "State" to "Agency" (four times); changed "system" to "supplier" (three times); changed "shall" to "must"; changed "water systems are encouraged" to "USEPA has stated that it encourages"
611.360(a)(4)	141.90(a)(4)	Changed "system" to "supplier"; changed "shall" to "must"; changed "State" to "Agency"
611.360(a)(4)(A)	141.90(a)(4)(i)	Changed "system" to "supplier"; changed "shall" to "must"
611.360(a)(4)(B)	141.90(a)(4)(ii)	Changed "system" to "supplier"; changed "shall" to "must"
611.360(a)(4)(C)	141.90(a)(4)(iii)	Changed "and/or" to "or" (twice); changed "system" to "supplier" (twice); changed "shall" to "must"; changed "State" to "Agency"
611.360(a)(4)(D)	141.90(a)(4)(iv)	Changed "system" to "supplier"; changed "shall" to "must"
611.360(a)(4)(D) Board note	141.90(a)(4)(iv)	Added an explanation of retention of a past date
611.360(a)(5)	141.90(a)(5)	Changed to the defined abbreviation "GWS"; added "supplier";

		changed "shall" to "must"; changed "State" to "Agency"
611.360(e)(4)	141.90(e)(4)	Changed "system" to "supplier" (twice); changed "which" to "that" for a restrictive relative clause; changed "shall" to "must"; changed "State" to "Agency" (four times); changed "States" to "the Agency"; added as a parenthetical offset by commas "by a SEP . . . 611.110"; changed "systems shall" to "a supplier must"
611.360(f)(1)	141.90(f)(1)	Changed "system" to "supplier" (twice); changed "shall" to "must"; changed "State" to "Agency"
611.360(f)(1)(A)	141.90(f)(1)(i)	Changed "system" to "supplier"
611.360(f)(1)(B)	141.90(f)(1)(ii)	Changed "system" to "supplier" (twice)
611.360(f)(2)	141.90(f)(2)	Changed "State" to "Agency", added as a parenthetical offset by commas "by a SEP . . . 611.110"; changed "system" to "supplier" (twice)
611.360(h)	141.90(h)	Changed "State" to "Agency", changed "system" to "supplier"
611.360(h)(1)	141.90(h)(1)	Changed "State" to "Agency", changed "system" to "supplier"

		(twice)
611.360(h)(2)	141.90(h)(2)	Changed "system" to "supplier", changed "State" to "Agency"
611.360(h)(2)(A)	141.90(h)(2)(i)	Changed "and/or" to "or"
611.360(h)(3)	141.90(h)(3)	Changed "State" to "Agency", changed "system" to "supplier"
611.745(c)	141.175(c)	Added text to the subsection to allow it to stand alone and to maintain structural consistency with the federal rules
611.745(c)(1)	141.175(c)(1)	Changed "system" to "supplier"; changed "primacy agency" to "Agency"
611.745(c)(2)	141.175(c)(2)	Changed "primacy agency" to "Agency" (twice); changed "system" to "supplier"
611.883(d)(1)(A)	141.153(d)(1)(i)	Changed to the defined abbreviation "MRDL"
611.901 preamble	141.201	Replaced the recitation of various effective dates with a statement that the new standards replace former standards
611.901(a)	141.201(a)	Changed the opening words from a question to a statement; changed to the defined abbreviations "NTNCWS," "transient non-CWS," "CWS," "MCL," and "MRDL"; changed all to

		the singular, adding indefinite article "a"; changed "and" to "or" in listing of violations; changed to singular "procedure"
611.901(a)(1)	141.201(a) table 1(1)	Presented the federally-tabulated information in standard subsection format
611.901(a)(1)(A)	141.201(a) table 1(1)(i)	Added the indefinite article "a"; used the defined abbreviations "MCL" and "MRDL"
611.901(a)(1)(B)	141.201(a) table 1(1)(ii)	Added the indefinite article "a"; used the term "treatment technique" without the abbreviation
611.901(a)(1)(C)	141.201(a) table 1(1)(iii)	Added the indefinite article "a"; changed "drinking water regulations" to "this Part"
611.901(a)(1)(D)	141.201(a) table 1(1)(iv)	Added the indefinite article "a"; changed "drinking water regulations" to "this Part"
611.901(a)(2)	141.201(a) table 1(2)	Presented the federally-tabulated information in standard subsection format; added "relief equivalent to"
611.901(a)(2)(A)	141.201(a) table 1(2)(i)	Changed "variance and exemptions" to "relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption"; added

		parenthetical references to Sections 611.111 and 611.112 offset by commas
611.901(a)(2)(B)	141.201(a) table 1(2)(ii)	Added the indefinite article "a"; changed "variance and exemptions" to "relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption"; added parenthetical references to Sections 611.111 and 611.112 offset by commas
611.901(a)(3)	141.201(a) table 1(3)	Presented the federally-tabulated information in standard subsection format
611.901(a)(3)(A)	141.201(a) table 1(3)(i)	Added the definite article "the"
611.901(a)(3)(B)	141.201(a) table 1(3)(ii)	Added the indefinite article "an"; changed to the singular defined abbreviation "a non-CWS"; changed "primacy agency" to "Agency"; added "Section"
611.901(a)(3)(C)	141.201(a) table 1(3)(iii)	Added the indefinite article "an"; changed "secondary maximum contaminant level (SMCL) for fluoride" to "secondary fluoride standard of Section 611.858"
611.901(a)(3)(D)	141.201(a) table 1(3)(iv)	Added the definite article "the"

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611.901(a)(3)(E)	141.201(a) table 1(3)(v)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"
611.901(b)	141.201(b)	Changed the opening words from a question to a statement; added the definite article "the"; added "of this Subpart V" for enhanced clarity; changed "table 1" to "subsection (a) of this Section"; changed "table 2" to "this subsection (b)"
611.901(b)(1)	2141.201(b) table 2(1)	Changed the em dash to a colon
611.901(b)(2)	141.201(b) table 2(2)	Changed the em dash to a colon
611.901(b)(3)	141.201(b) table 2(3)	Changed the em dash to a colon
611.901(c)	141.201(c)	Changed the opening from a question to a statement
611.901(c)(1)	141.201(c)(1)	Changed "public water system" to "PWS supplier" (twice); changed "system" to "supplier" (twice); changed to singular "a PWS supplier . . . sells . . . provides . . . another PWS supplier (i.e., to a consecutive system) is . . ."; changed "consecutive system" to "consecutive system supplier"

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611.901(c)(2)	141.201(c)(2)	Changed "public water system" to "PWS supplier"; changed "primacy agency" to "Agency" (twice); added "by a SEP . . . 611.110"
611.901(c)(3)	141.201(c)(3)	Changed "primacy agency" to "Agency"
611.901 Board note	141.201	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.902(a)	141.202(a)	Changed opening language from a question to a statement; changed the table into standard subsection format
611.902(a)(1)	141.202(a)(1)	Changed "system" to "supplier"
611.902(a)(2)	141.202(a)(2)	Changed "system" to "supplier"; changed "system's" to "supplier's"
611.902(a)(3)	141.202(a)(1)	Changed "non-community water systems" to singular "a non-CWS supplier"; changed "primacy agency" to "Agency"
611.902(a)(4)	141.202(a)(4)	Changed "system" to "supplier"
611.902(a)(5)	141.202(a)(5)	Changed "primacy agency" to "Agency"; changed "system" to "supplier"

611.902(a)(6)	141.202(a)(6)	Changed "system" to "supplier"
611.902(a)(8)	141.202(a)(8)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"
611.902(b)	141.202(b)	Changed opening language from questions to statements; changed "public water systems" to singular "a PWS supplier"
611.902(b)(1)	141.202(b)(1)	Changed "system" to "supplier"
611.902(b)(2)	141.202(b)(2)	Changed "primacy agency" to "Agency"; changed "public water system" to "PWS supplier"
611.902(b)(3)	141.202(b)(3)	Changed "primacy agency" to "Agency"
611.902(c)	141.202(c)	Changed opening language from a question to a statement; changed "public water systems" to singular "a PWS supplier"; changed "public water system" to "PWS supplier"; changed "water systems are" to singular "a water supplier is"
611.902(c)(2)	141.202(c)(2)	Changed "system" to "supplier"
611.902(c)(3)	141.202(c)(3)	Changed "system" to "supplier"

611.902(c)(4)	141.202(c)(4)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"
611.902 Board note	141.202	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.903(a)	141.203(a)	Changed opening language from a question to a statement; changed the table into standard subsection format
611.903(a)(1)	141.203(a)(1)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"
611.903(a)(2)	141.203(a)(2)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"
611.903(a)(3)	141.203(a)(3)	Changed "variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption"
611.903(b)	141.203(b)	Changed opening language from a question to a statement
611.903(b)(1)	141.203(b)(1)	Changed "public water systems" to singular "a PWS supplier"; changed "system" to "supplier" (twice); changed "primacy agency" to singular "Agency"

		(three times); added "by a SEP . . . 611.110"
611.903(b)(2)	141.203(b)(2)	Changed "public water system" to singular "PWS supplier"; changed "primacy agency" to singular "Agency" (three times); changed "allow through its rules or policies" to "allow"; changed "primacy agency determinations" to singular "an Agency determination"
611.903(b)(3)	141.203(b)(3)	Changed "public water systems" to singular "a PWS supplier"; changed "primacy agency" to singular "Agency" (twice); changed "system" to "supplier" (twice); added "the following"
611.903(c)	141.203(c)	Changed opening language from a question to a statement; changed "public water systems" to singular "a PWS supplier"
611.903(c)(1)	141.203(c)(1)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"
611.903(c)(1)(A)	141.203(c)(1)(i)	Changed "public water system" to singular "PWS supplier"
611.903(c)(1)(B)	611.203(c)(1)(ii)	Changed "system" to singular "supplier" (twice)

611.903(c)(2)	141.203(c)(2)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"; changed "non-community water systems" to singular "a non-CWS supplier"; added "the following"
611.903(c)(2)(A)	141.203(c)(2)(i)	Changed "system" to "supplier"
611.903(c)(2)(B)	141.203(c)(2)(ii)	Added "the following"
611.903 Board note	141.203	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.904(a)	141.204(a)	Changed opening language from a question to a statement; changed the table into standard subsection format
611.904(a)(1)	141.204(a)(1)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"
611.904(a)(2)	141.204(a)(2)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"
611.904(a)(3)	141.204(a)(3)	Changed "a variance granted under Section 1415 or an exemption granted under Section 1416" to "relief equivalent to a SDWA Section 1415 variance granted under Section 611.111 or relief

		equivalent to a SDWA Section 1416 exemption granted under Section 611.112"
611.904(a)(5)	141.204(a)(5)	Changed "fluoride secondary maximum contaminant level (SMCL)" to "secondary standard for fluoride"
611.904(b)	141.204(b)	Changed opening language from a question to a statement
611.904(b)(1)	141.204(b)(1)	Changed "public water systems" to singular "PWS supplier"; changed "system" to "supplier" (twice); changed "variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption" (three times)
611.904(b)(2)	141.204(b)(2)	Changed "public water systems" to singular "PWS supplier"
611.904(c)	141.204(c)	Changed opening language from a question to a statement; changed "public water systems" to singular "a PWS supplier"
611.904(c)(1)	141.204(c)(1)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"; changed "community water systems" to singular "a CWS supplier"

611.904(c)(1)(A)	141.204(c)(1)(i)	Changed "system" to "supplier"; added "the following"
611.904(c)(1)(B)	141.204(c)(1)(ii)	Changed "system" to "supplier"; added "the following"; changed to lower case "publication"
611.904(c)(2)	141.204(c)(2)	Changed "primacy agency" to "Agency"; added "by a SEP . . . 611.110"; changed "non-community water systems" to singular "a non-CWS supplier"; added "the following"
611.904(c)(2)(A)	141.204(c)(2)(i)	Changed "system" to "supplier"
611.904(c)(2)(B)	141.204(c)(2)(ii)	Changed "system" to "supplier"; added "the following"; changed to lower case "publication"
611.904(d)	141.204(d)	Changed opening language from a question to a statement; changed "community water systems" to singular "a CWS supplier"; added "the following is true"
611.904(d)(1)	141.204(d)(1)	Changed "system" to "supplier"
611.904 Board note	141.204	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added

611.905(a)	141.205(a)	Changed opening language from a question to a statement; changed to singular "violation"; used the defined abbreviation "NPDWR"; changed "public water system" to "PWS supplier"
611.905(a)(1)	141.205(a)(1)	Changed "contaminant(s)" to "contaminants"; changed "level(s)" to "levels"
611.905(a)(7)	141.205(a)(7)	Changed "system" to "supplier"
611.905(a)(8)	141.205(a)(8)	Changed "system" to "supplier"
611.905(b)	141.205(b)	Changed opening language from a question to a statement; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.905(b)(1)	141.205(b)(1)	Changed "public water system" to "PWS supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a Section 1416 exemption, under Section 611.112"; added "the following"
611.905(b)(1)(A)	141.205(b)(1)(i)	Changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.905(b)(1)(B)	141.205(b)(1)(ii)	Changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.905(b)(1)(C)	141.205(b)(1)(iii)	Added "that" for a restrictive realtive clause; changed "system" to "supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.905(b)(1)(D)	141.205(b)(1)(iv)	Changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.905(b)(2)	141.205(b)(2)	Changed "public water system" to "PWS supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.905(c)	141.205(c)	Changed opening language from a question to a statement
611.905(c)(1)	141.205(c)(1)	Added "must comply with the following"
611.905(c)(1)(A)	141.205(c)(1)(i)	Added "it" to make a complete sentence

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611.905(c)(1)(B)	141.205(c)(1)(ii)	Added "it" to make a complete sentence
611.905(c)(1)(C)	141.205(c)(1)(iii)	Added "it" to make a complete sentence
611.905(c)(1)(D)	141.205(c)(1)(iv)	Added "it" to make a complete sentence
611.905(c)(2)(A)	141.205(c)(2)(i)	Changed "public water system" to "PWS supplier"; changed "primacy agency" to "Agency"; added by a SEP . . . 611.110"; changed "language(s)" to "languages"; changed "system" to "supplier"
611.905(c)(2)(B)	141.205(c)(2)(ii)	Changed "primacy agency" to "Agency"; changed "public water system" to "PWS supplier"; changed "system" to "supplier"
611.905(d)	141.205(d)	Changed opening language from a question to a statement; added "that" for a restrictive relative clause; changed "public water systems" to singular "a PWS supplier" (twice); changed "are required to" to "must"; changed "their" to "its" (twice); changed "are" to "is"
611.905(d)(1)	141.205(d)(1)	Changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption" (twice); changed "public water systems" to singular "PWS supplier"

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611.905(d)(2)	141.205(d)(2)	Changed "public water systems" to singular "PWS supplier"; changed "their" to "its"
611.905(d)(2) required statement language	141.205(d)(2)	Changed "contaminant(s)" to "contaminants"
611.905(d)(3)	141.205(d)(3)	Changed "public water systems" to singular "PWS supplier"; moved "the following language"; changed "their" to "its"
611.905 Board note	141.205	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.906(a)	141.206(a)	Changed opening language from a question to a statement; changed "community water systems" to singular "a CWS supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.906(b)	141.206(b)	Changed opening language from a question to a statement; changed "non-community water systems" to singular "a

		non-CWS supplier"; changed "a variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"; changed "a variance, exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.906 Board note	141.206	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.907(a)	141.207(a)	Changed opening language from a question to a statement; changed "community water system" to "CWS supplier"; changed "non-transient, non-community water system" to "NTNCWS supplier"; added "for unregulated contaminants"; changed "system" to "supplier"
611.907(b)	141.207(b)	Changed opening language from a question to a statement
611.907 Board note	141.207	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added

611.908 heading	141.208	Changed "SCML for fluoride" to "fluoride secondary standard"
611.908(a)	141.208(a)	Changed opening language from a question to a statement; changed "community water systems that exceed" to singular "a CWS supplier that exceeds"; changed "secondary maximum contaminant level (SCML)" to "secondary standard"; added a comma before "as specified" to offset a parenthetical; changed "system" to "supplier"; changed "public water system" to "PWS supplier" changed "SCML" to "fluoride secondary standard"; changed "primacy agency" to "Agency"
611.908(b)	141.208(b)	Changed opening language from a question to a statement; changed "611.904(c) and (d)(1) and (d)(3)" to "3611.904(c), (d)(1), and (d)(3)"
611.908(c)	141.208(c)	Changed opening language from a question to a statement
611.908(c) required statement language	141.208(c)	Changed "mg/l" to defined "mg/L" (twice); changed "U.S. EPA" to "USEPA"

611.908 Board note	141.208	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.909 heading	141.209	Deleted abbreviation "NCWS"
611.909(a)	141.209(a)	Changed opening language from a question to a statement; changed "non-community water system" to "non-CWS supplier"; changed "primacy agency" to "Agency"
611.909(b)	141.209(b)	Changed opening language from a question to a statement; changed "non-community water systems" to singular "a non-CWS supplier"; changed "primacy agency" to "Agency"
611.909 Board note	141.209	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.910 heading	141.210	Changed "primacy agency" to "Agency"; changed to indefinite article "a"
611.910(a)	141.209(a)	Deleted opening question; changed "primacy agency" to "Agency" (twice);

		changed "give" to "issue"; changed "public water system" to "PWS supplier"
611.910(b)	141.210(b)	Changed opening language from a question to a statement; changed "public water system" to "a PWS supplier" (twice); changed "primacy agency" to "Agency"
611.910 Board note	141.210	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.Appendix A	Appendix A to Subpart O of Part 141	Reformatted the seven-column table into a indented paragraph format; replaced blank cells in the table with em dashes "--" (19 times); added a missing closing period at the end of the health effects language (twice); added a zero before the decimal point where missing (63 times); used lower-case "runoff" (five times); used lower-case "erosion" (seven times); used lower-case "discharge" (ten times); used lower-case "leaching" (four times); used lower-case "water"; used lower-case "an"; added column headings in

		abbreviations table
611.Appendix A Board note	Appendix A to Subpart O of Part 141	Changed the *Code of Federal Regulations* reference to the new source, with the appropriate *Federal Register* citation where is was added
611.Appendix E (4)(B)(v)	141.85(a)(1)(iv)(B)(5)	Added "that" for a restrictive relative clause; changed "which" to "that" for a restrictive relative clause; changed "that" to "which" for a subsequent restrictive relative clause
611.Appendix E Board note	141.85(a)(1)	Updated the citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was amended
611.Appendix F	141.85(a)(2)	Added a heading in this appendix created to hold the federal notice language; renumbered the subsections to correspond with the numbering of Appendix E
611.Appendix F (1)	141.85(a)(2)(i)	Changed "EPA" to "USEPA" (twice)
611.Appendix F (2)	141.85(a)(2)(ii)	Added a comma to offset the final element of a series after "red blood cells"
611.Appendix F (4)(B)	141.85(a)(2)(iv)(B)	Removed an unnecessary comma

611.Appendix F (4)(D)	141.85(a)(2)(iv)(B)	Added "the following"
611.Appendix F Board note	141.85(a)(2)	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added; added an explanation of how non-community water systems are regulated by the IDPH but that the Board incorporates all segments of the federal regulations
611.Appendix G	141, Subpart Q, Appendix A	Replaced the footnote marking to the Section heading with opening language directing attention to the first note at the end of the table
611.Appendix G (III)	141, Subpart Q, Appendix A	Changed "variances and exemptions" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.Appendix G (III)(A)	141, Subpart Q, Appendix A	Changed "variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.Appendix G (III)(B)	141, Subpart Q, Appendix A	Changed "variance or exemption" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"

611.Appendix G (IV)(B)	141, Subpart Q, Appendix A	Changed "primacy agency" to "the Agency"
611.Appendix G (IV)(F)	141, Subpart Q, Appendix A	Changed "primacy agency" to "the Agency"; added "by a SEP . . . 611.110"
611.Appendix G, note 1	141, Subpart Q, Appendix A	Changed "primacy agency" to "the Agency" (twice); added "by a SEP . . . 611.110" (twice); changed "also" to "further"
611.Appendix G, note 2	141, Subpart Q, Appendix A	Added introductory words "definition of the abbreviations used" with a colon; added quotation marks to the defined term; replaced an em dash with "means" (three times); added the conjunction "and" to offset the final element of a series
611.Appendix G, note 3	141, Subpart Q, Appendix A	Added quotation marks to the defined term; used lower-case "violations"
611.Appendix G, note 4	141, Subpart Q, Appendix A	Changed "tier 3" to "tier 3 violations"
611.Appendix G, note 5	141, Subpart Q, Appendix A	Changed "systems that violate" to singular "a supplier that violates"; changed "primacy agency" to "the Agency" (three times); changed "elevate" to "by a SEP . . . that elevates"; changed "tier 1" to "a tier 1 violation" (twice)

611.Appendix G, note 6	141, Subpart Q, Appendix A	Changed "systems" to singular "a supplier"; changed to singular "a violation"; changed "primacy agency" to "the Agency" (three times); changed "elevate" to "by a SEP . . . that elevates"; changed "tier 1" to "a tier 1 violation" (twice)
611.Appendix G, note 7	141, Subpart Q, Appendix A	Changed "Subpart H systems" to singular "a Subpart B supplier"; changed "serving" to "that serves"; replaced effective date language with "is currently effective"; added the parenthetical abbreviation "SWTR"
611.Appendix G, note 9	141, Subpart Q, Appendix A	Changed "Subpart H community and transient non-community systems" to singular "a Subpart B community or transient non-community system supplier"; changed "serving $\geq$10,000" to "that serves 10,000 persons or more"; changed "Subpart H transient non-community systems" to singular "a Subpart B transient non-community system supplier" (twice); changed "using" to singular "that uses"; added a comma after "surface water" to offset the final element of a series

611.Appendix G, note 12	141, Subpart Q, Appendix A	Added the indefinite article "a" before "failure"
611.Appendix G, note 13	141, Subpart Q, Appendix A	Changed "systems" to "supplier"
611.Appendix G, note 14	141, Subpart Q, Appendix A	Added "federal"; changed "variance [or exemption]" to "relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption"
611.Appendix G, note 15	141, Subpart Q, Appendix A	Added "federal"; changed "variance for small systems" to "relief equivalent to a SDWA Section 1415 small system variance"; added an explanation of the limitation on the Board's authority to grant relief from a federally-derived standard
611.Appendix G, note 16	141, Subpart Q, Appendix A	Changed "that" to "which" for a subsequent restrictive relative clause
611.Appendix G Board note	141, Subpart Q, Appendix A	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.Appendix H (1a)	141, Subpart Q, Appendix B	Used standard font for note "3"
611.Appendix H (58)	141, Subpart Q, Appendix B	Corrected the spelling of "o-dichlorobenzene"

611.Appendix H (59)	141, Subpart Q, Appendix B	Corrected the spelling of "p-dichlorobenzene"
611.Appendix H (62)	141, Subpart Q, Appendix B	Corrected the spelling of "cis-1,2-dichloroethylene"
611.Appendix H (63)	141, Subpart Q, Appendix B	Corrected the spelling of "trans-1,2-dichloroethylene"
611.Appendix H, note 1	141, Subpart Q, Appendix B	Added quotation marks to the defined term; changed an em-dash with "means"; added a closing period
611.Appendix H, note 2	141, Subpart Q, Appendix B	Added quotation marks to the defined term; changed an em-dash with "means"; added a closing period
611.Appendix H, note 3	141, Subpart Q, Appendix B	Changed "water systems" to singular "a water supplier" (twice)
611.Appendix H, note 4	141, Subpart Q, Appendix B	Changed "water systems that are" to singular "a water supplier that is"
611.Appendix H, note 5	141, Subpart Q, Appendix B	Added quotation marks to the defined term; changed an em-dash with "means"; added a closing period
611.Appendix H, note 6	141, Subpart Q, Appendix B	Changed "water systems" to singular "a supplier"; changed "primacy agency" to "Agency"
611.Appendix H, note 7	141, Subpart Q, Appendix B	Added quotation marks to the defined term; changed an em-dash with "means"; added a

		closing period
611.Appendix H, note 8	141, Subpart Q, Appendix B	Changed "water systems" to singular "a supplier" (twice); changed "primacy agency" to "Agency"
611.Appendix H, note 11	141, Subpart Q, Appendix B	Changed "millions fibers" to "millions of fibers"
611.Appendix H, note 12	141, Subpart Q, Appendix B	Added closing period
611.Appendix H, note 13	141, Subpart Q, Appendix B	Added closing period
611.Appendix H, note 14	141, Subpart Q, Appendix B	Added closing period
611.Appendix H, note 15	141, Subpart Q, Appendix B	Added closing period
611.Appendix H, note 16	141, Subpart Q, Appendix B	Changed "surface water systems and ground water systems" to singular "a surface water system supplier or a groundwater system supplier"; changed "Subpart H community and non-transient non community systems serving ≥10,000" to "a Supbart B community water system supplier or a non-transient non-community system supplier that serves 10,000 or more persons"; changed "systems" to "system suppliers" (three times)

611.Appendix H, note 17	141, Subpart Q, Appendix B	Changed "Subpart H community water systems" to singular "a Subpart B community water system supplier"; added "persons"; changed "all systems" to "a supplier"
611.Appendix H, note 20	141, Subpart Q, Appendix B	Added quotation marks to the defined term; changed an em-dash with "means"; added a closing period
611.Appendix H, note 21	141, Subpart Q, Appendix B	Added quotation marks to the defined term; changed an em-dash with "means"; added a closing period
611.Appendix H Board note	141, Subpart Q, Appendix B	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.Appendix I Board note	141, Subpart Q, Appendix C	Added citation of the federal *Code of Federal Regulations* source of this provision, including the *Federal Register* where it was added
611.Table G note 6	141.87, table	Changed the note number to standard font, adding a period; Changed "ground water systems" to "a groundwater system supplier"
611.Table G note 7	141.87, table	Changed the note number to standard font, adding a period;

		Changed "water systems" to "a water supplier"; changed to written "three"
611.Table G note 8	141.87, table	Changed the note number to standard font, adding a period; Changed "water systems" to "a water supplier" (twice); changed to written "three" (twice); changed "primacy agency" to "Agency"

Table 2:
Board Housekeeping Amendments

Section	Source	Revision(s)
611 Table of Contents	Board	Removed "public notification" from the heading for Subpart T
611 Table of Contents, heading of Appendix E	Board	Added "for community Water Systems"
611.126(a)	Board	Changed "shall" to "must"; changed "subsection (b)" to "subsection (b) of this Section"
611.126 Board note	Board	Updated the *Code of Federal Regulations* reference; added a reference to the *Federal Register* notice where USEPA designated the standard
611.131 preamble	Board	Added "federal" and the appropriate reference to the *United States Code*

611.131(a)	Board	Changed "shall" to "must"
611.131(c)(2)	Board	Added "the following is true"
611.131(c)(2)(B)	Board	Added "federal" and the appropriate reference to the *United States Code*
611.131(c) Board note	Board	Corrected "pre - 1986" to "pre-1986"
611.131(e)	Board	Changed "shall" to "must"
611.131(e)(1)	Board	Added "that the" for enhanced clarity
611.131(e)(2)	Board	Added "that the" for enhanced clarity; added "the following"
611.131(e)(2)(D)	Board	Added "federal" for enhanced clarity
611.131(e)(3)	Board	Added "that the" for enhanced clarity; added "federal" and the appropriate reference to the *United States Code*
611.131(e)(4)	Board	Added "that the" for enhanced clarity
611.131(e)(5)	Board	Added "that the" for enhanced clarity
611.131(f)(2)(C) Board note	Board	Added the date to the *Code of Federal Regulations* citation
611.131(g)(1)	Board	Changed "shall" to "must"; added "the following means"

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611.131(g)(2)(B)	Board	Changed the cross-reference to "Appendix I"
611.131(g)(3)	Board	Changed "shall" to "must"
611.131(i)	Board	Changed "shall" to "must"; added the appropriate reference to the *United States Code*
611.131 Board note	Board	Updated the *Code of Federal Regulations* reference
611.261 preamble	Board	Changed "shall" to "must" (three times); changed to written "six"
611.261(a)	Board	Changed to written "ten"
611.261(a)(3)	Board	Changed "less" to more appropriate "fewer" (twice)
611.261(a)(5)	Board	Changed "less" to more appropriate "fewer"
611.261(a)(6)	Board	Changed "less" to more appropriate "fewer" (twice)
611.261(a)(7)	Board	Changed "date(s)" to "dates" (twice); changed "measurement(s)" to "measurements"; changed "occurrence(s)" to "occurrences"
611.261(a)(9)	Board	Changed to written "ten"

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611.261(b)	Board	Changed to written "ten"
611.261(b)(3)	Board	Changed "RDC(s)" to "RDCs"; changed "time(s)" to "times"; changed "value(s)" to "values"
611.261(b)(4)	Board	Changed "measurement(s)" to "measurements"
611.261(b)(5)	Board	Changed "measurement(s)" to "measurements"
611.261(b)(8)(F)	Board	Removed unnecessary conjunction "and" and comma
611.261(c)	Board	Changed "shall" to "must"
611.261(d)	Board	Changed "shall" to "must" (twice)
611.261(e)(1)	Board	Changed "shall" to "must"
611.261(e)(2)	Board	Changed "shall inform" to "must consult with"
611.261(e)(3)	Board	Changed "shall" to "must" (twice); changed to written "four"
611.261 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.262 preamble	Board	Changed "shall" to "must"; removed the past effective date language "beginning . . . whichever is later"

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611.262(a)	Board	Changed "system" to "supplier"
611.262(b)	Board	Changed "system" to "supplier"
611.262(b)(3)	Board	Changed "Section 611.240 et seq." to "Sections 611.240 through 611.242"
611.262(b)(3)(F)	Board	Changed "system" to "supplier"; changed the equation to the standard equation format; changed "subsection (b)(3)(A)" to "subsection (b)(3)(A) of this Section"; changed ending punctuation to semicolons (four times); changed "subsection (b)(3)(B)" to "subsection (b)(3)(B) of this Section"; changed "subsection (b)(3)(C)" to "subsection (b)(3)(C) of this Section"; changed "subsection (b)(3)(D)" to "subsection (b)(3)(D) of this Section"; changed to lower-case "and," removed an unnecessary comma after the conjunction; changed "subsection (b)(3)(E)" to "subsection (b)(3)(E) of this Section"
611.262(b)(3)(g)	Board	Changed "(b)(3)(A) through (F)" to "(b)(3)(A) through (b)(3)(F) of this Section"; changed "system" to "supplier"

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611.262(c)(1)	Board	Changed "system" to "supplier"; changed "shall" to "must"
611.262(c)(2)	Board	Changed "system shall" to "supplier must"
611.262(c)(3)	Board	Changed "system shall" to "supplier must"; changed "system also shall" to "supplier also must"; changed to written "four"
611.262 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.300(a)	Board	Changed "subsection (b) below" to "subsection (b) of this Section"
611.300(a) Board Note	Board	Updated the *Code of Federal Regulations* reference
611.300(b) Board Note	Board	Updated the *Code of Federal Regulations* reference
611.300(c)	Board	Updated the *Code of Federal Regulations* reference
611.300(d)(1)	Board	Corrected the subsection number
611.300(d)(2)	Board	Corrected the subsection number
611.300(d)(3)	Board	Corrected the subsection number

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611.300(d)(4)	Board	Corrected the subsection number
611.300(d)(5)	Board	Corrected the subsection number
611.300(d) Board Note	Board	Updated the *Code of Federal Regulations* reference
611.300(e)	Board	Changed "subsection (b) above" to "subsection (b) of this Section"
611.300(e)(1)	Board	Changed "less" to more appropriate "fewer" (twice)
611.300(e) Board Note	Board	Changed "this is" to "the requirements of subsection (e) of this Section are"
611.351(a)	Board	Changed "shall" to "must"
611.351(a)(1)	Board	Changed "shall" to "must"; changed "subsection (d) below" to "subsection (d) of this Section"; changed "subsection (b)(3) below" to "subsection (b)(3) of this Section"
611.351(a)(2)	Board	Changed "shall" to "must"; changed "subsection (d) below" to "subsection (d) of this Section"; changed "subsection (b)(3) below" to "subsection (b)(3) of this Section"
611.351(b)(2)	Board	Changed "shall" to "must" (three times)

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611.351(b)(2)(A)	Board	Capitalized the first word of the subsection
611.351(b)(2)(B)	Board	Capitalized the first word of the subsection
611.351(b)(2)(C)	Board	Capitalized the first word of the subsection
611.351(b)(2)(D)	Board	Capitalized the first word of the subsection
611.351(b)(3)	Board	Parenthetically added the standardized abbreviation "PQL"
611.351(c)(2)	Board	Changed "subsection (c)(1) above" to "subsection (c)(1) of this Section"; changed "shall" to "must"
611.351(c)(3)	Board	Changed "shall" to "must"
611.351(c)(4)	Board	Changed "subsection (e) below" to "subsection (e) of this Section"; changed "subsection (b)(1) above" to "subsection (b)(1) of this Section"
611.351(d)	Board	Changed "subsections (b)(2) and (b)(3) above" to "subsections (b)(2) and (b)(3) of this Section"; changed "shall" to "must"
611.351(d)(1)	Board	Changed "shall" to "must"
611.351(d)(1) Board note	Board	Changed "U.S. EPA" to "USEPA"; added the date to the *Code of Federal Regulations* citation

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611.351(d)(2)	Board	Changed "shall" to "must"
611.351(d)(3)	Board	Changed "shall" to "must"
611.351(d)(4)	Board	Changed "shall" to "must"
611.351(d)(5)	Board	Changed "shall" to "must"
611.351(d)(6)	Board	Changed "shall" to "must"
611.351(d)(7)	Board	Changed "shall" to "must"
611.351(e)	Board	Changed "subsection (b) above" to "subsection (b) of this Section"; changed "shall" to "must"
611.351(e)(1)	Board	Changed "shall" to "must" (twice)
611.351(e)(2)	Board	Changed "shall" to "must"
611.351(e)(3)	Board	Changed "subsection (e)(2) above" to "subsection (e)(2) of this Section"; changed "shall" to "must"
611.351(e)(4)	Board	Changed "subsection (e)(2) above" to "subsection (e)(2) of this Section"; changed "shall" to "must"; changed to written "six"; changed "subsection (e)(3) above" to "subsection (e)(3) of this Section"

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611.351(e)(5)	Board	Changed "shall" to "must"
611.351(e)(6)	Board	Changed "shall" to "must"
611.351(e)(7)	Board	Changed "shall" to "must"; changed to written "six"; changed "subsection (e)(6) above" to "subsection (e)(6) of this Section"
611.351(e)(8)	Board	Changed "shall" to "must"
611.351 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.352 preamble	Board	Changed "shall" to "must"
611.352(a)(1)	Board	Changed "shall" to "must"; changed "subsection (c)(1) below" to "subsection (c)(1) of this Section"
611.352(b)	Board	Changed "subsection (c) below" to "subsection (c) of this Section"
611.352(c)(1)	Board	Changed "shall" to "must"
611.352(c)(1)(A)	Board	Capitalized the first word of the subsection
611.352(c)(1)(B)	Board	Capitalized the first word of the subsection
611.352(c)(1)(C)	Board	Capitalized the first word of the subsection

611.352(c)(2)	Board	Changed "shall" to "must"
611.352(c)(3)	Board	Changed "shall" to "must"
611.352(c)(3)(A)	Board	Capitalized the first word of the subsection
611.352(c)(3)(B)	Board	Capitalized the first word of the subsection
611.352(c)(3)(D)	Board	Capitalized the first word of the subsection
611.352(c)(3)(E)	Board	Capitalized the first word of the subsection
611.352(c)(3)(F)	Board	Capitalized the first word of the subsection
611.352(c)(3)(G)	Board	Capitalized the first word of the subsection
611.352(c)(3)(H)	Board	Capitalized the first word of the subsection
611.352(c)(3)(I)	Board	Capitalized the first word of the subsection
611.352(c)(4)	Board	Changed "shall" to "must"
611.352(c)(4)(A)	Board	Capitalized the first word of the subsection
611.352(c)(4)(B)	Board	Capitalized the first word of the subsection
611.352(c)(5)	Board	Changed "shall" to "must"
611.352(c)(6)	Board	Changed "shall" to "must" (twice); changed "subsections (c)(1) through (c)(5) above" to "subsections (c)(1) through (c)(5) of this Section"

611.352(d)(1)	Board	Changed "subsection (c) above" to "subsection (c) of this Section"; changed "shall" to "must" (twice); changed "treatment(s)" to "treatments"; changed "subsection (c)(1) above" to "subsection (c)(1) of this Section"
611.352(d)(2)	Board	Changed "shall" to "must"; changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"
611.352(e)	Board	Changed "shall" to "must"; changed "subsection (d) above" to "subsection (d) of this Section"
611.352(f)	Board	Changed "shall" to "must"; changed "subsection (d) above" to "subsection (d) of this Section"
611.352(f)(1)	Board	Changed "shall" to "must"; added "the following"
611.352(f)(1)(A)	Board	Capitalized the first word of the subsection
611.352(f)(1)(B)	Board	Capitalized the first word of the subsection; changed "shall" to "must"
611.352(f)(1)(C)	Board	Capitalized the first word of the subsection
611.352(f)(1)(D)	Board	Capitalized the first word of the subsection

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611.352(f)(1)(E)	Board	Capitalized the first word of the subsection
611.352(f)(2)	Board	Changed "subsection (f)(1) above" to "subsection (f)(1) of this Section"; changed "shall" to "must"
611.352(f)(4)	Board	Changed "shall" to "must"
611.352(h)(1)	Board	Changed "subsection (d) above" to "subsection (d) of this Section"; changed "subsection (f) above" to "subsection (f) of this Section"
611.352(h)(4)	Board	Changed "subsection (h)(1) above" to "subsection (h)(1) of this Section"
611.352(i)	Board	Changed "subsections (d), (f), or (h) above" to "subsections (d), (f), or (h) of this Section"; added "the following is true"
611.352(i)(1)	Board	Capitalized the first word of the subsection
611.352(i)(2)	Board	Capitalized the first word of the subsection
611.352(i)(3)	Board	Capitalized the first word of the subsection
611.352 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation

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611.354(a)(1)	Board	Changed "shall" to "must"; changed "subsection (b) below" to "subsection (b) of this Section"
611.354(b)(1)	Board	Changed "subsection (a) above" to "subsection (a) of this Section"; changed "shall" to "must"; changed to written "seven"
611.354(b)(3)	Board	Changed "shall" to "must"
611.354(b)(4)	Board	Changed "shall" to "must"; changed "subsection (a) above" to "subsection (a) of this Section"
611.354(e)(1)	Board	Changed "shall" to "must"
611.354(e)(2)	Board	Changed "shall" to "must"; changed "subsection (f)(1) above" to "subsection (e)(1) of this Section"; changed to written "six"; changed "subsection (a) above" to "subsection (a) of this Section"
611.354(f)(1)(A)	Board	Capitalized the first word of the subsection
611.354(f)(1)(B)	Board	Capitalized the first word of the subsection
611.354(f)(2)	Board	Changed "shall" to "must"; changed "subsection (b) above" to "subsection (b) of this Section"

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611.354(g)	Board	Changed "subsections (a) through (d) above" to "subsections (a) through (d) of this Section"; changed "shall" to "must"
611.354 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.355 preamble	Board	Changed "shall" to "must"; changed "subsections (a) and (b) below" to "subsections (a) and (b) of this Section"; changed "subsection (c) below" to "subsection (c) of this Section"
611.355(a)(1)	Board	Added the defined abbreviation "CWS"; changed "shall" to "must" (twice); changed "Section 611.Appendix E" to "Appendix E of this Part" (twice); changed "laypersons" to "lay persons"
611.355(b)	Board	Changed "shall" to "must"
611.355(c)(1)	Board	Changed "shall" to "must"; changed "language(s)" to "languages"
611.355(c)(2)	Board	Changed "shall" to "must"; added a comma after "days" to offset a parenthetical

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611.355(c)(2)(A)	Board	Capitalized the first word of the subsection; changed "subsection (a)(1) above" to "subsection (a)(1) of this Section"
611.355(c)(2)(B)	Board	Capitalized the first word of the subsection; changed "subsection (a)(1) above" to "subsection (a)(1) of this Section"
611.355(c)(2)(C)	Board	Capitalized the first word of the subsection; changed "subsections (a)(2) and (a)(4) above" to "subsections (a)(2) and (a)(4) of Appendix E of this Part"
611.355(c)(2)(C)(i)	Board	Capitalized the first word of the subsection
611.355(c)(2)(C)(ii)	Board	Capitalized the first word of the subsection
611.355(c)(2)(C)(iii)	Board	Capitalized the first word of the subsection; changed "program(s)" to "programs"
611.355(c)(2)(C)(iv)	Board	Capitalized the first word of the subsection
611.355(c)(2)(C)(v)	Board	Capitalized the first word of the subsection
611.355(c)(2)(C)(vi)	Board	Capitalized the first word of the subsection
611.355(c)(2)(C)(vii)	Board	Capitalized the first word of the subsection

611.355(c)(2)(D)	Board	Capitalized the first word of the subsection; changed "subsection (b) above" to "subsection (b) of this Section"
611.355(c)(3)	Board	Changed "shall" to "must"; changed "subsections (c)(2)(A) through (c)(2)(D) above" to "subsections (c)(2)(A) through (c)(2)(D) of this Section"
611.355(c)(3)(A)	Board	Capitalized the first word of the subsection; changed "subsections (c)(2)(A) through (c)(2)(C) above" to "subsections (c)(2)(A) through (c)(2)(C) of this Section"
611.355(c)(3)(B)	Board	Capitalized the first word of the subsection; changed "subsection (c)(2)(D) above" to "subsection (c)(2)(D) of this Section"; changed to written "six"
611.355(c)(4)	Board	Changed "shall" to "must"; changed "Section 611.Appendix E(1), (2), and (4)" to "Appendix E or F of this Part"
611.355(c)(4)(A)	Board	Capitalized the first word of the subsection
611.355(c)(4)(B)	Board	Capitalized the first word of the subsection

611.355(c)(5)	Board	Changed "shall" to "must"; changed "subsection (c)(4) above" to "subsection (c)(4) of this Section"
611.355(c)(6)	Board	Changed "shall" to "must"
611.355(d)	Board	Changed "shall" to "must"
611.355 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.356(a)(1)(A)	Board	Changed "subsection (d)(1) below" to "subsection (d)(1) of this Section"; changed "shall" to "must"
611.356(a)(1)(B)	Board	Changed "subsection (c) below" to "subsection (c) of this Section"
611.356(a)(1)(C)	Board	Changed "shall" to "must"
611.356(a)(1)(D)	Board	Changed "shall" to "must"
611.356(a)(2)(A)	Board	Changed "shall" to "must"
611.356(a)(2)(B)	Board	Changed "subsection (a) below" to "subsection (a) of this Section"; changed "shall" to "must"
611.356(a)(2)(B)(i)	Board	Capitalized the first word of the subsection; changed "department(s)" to "departments"

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611.356(a)(2)(B)(ii)	Board	Capitalized the first word of the subsection
611.356(a)(2)(B)(iii)	Board	Capitalized the first word of the subsection
611.356(a)(2)(B)(iv)	Board	Capitalized the first word of the subsection; changed "shall" to "must"
611.356(a)(3)	Board	Changed "shall" to "must"
611.356(a)(3)(A)	Board	Changed "shall" to "must"
611.356(a)(3)(A)(i)	Board	Capitalized the first word of the subsection
611.356(a)(3)(A)(ii)	Board	Capitalized the first word of the subsection
611.356(a)(3)(A) Board note	Board	Added citation to the federal source of this provision
611.356(a)(3)(B)	Board	Changed "shall" to "must"
611.356(a)(3)(B)(i)	Board	Capitalized the first word of the subsection
611.356(a)(3)(B)(ii)	Board	Capitalized the first word of the subsection
611.356(a)(3)(B) Board note	Board	Added citation to the federal source of this provision
611.356(a)(3)(C)	Board	Changed "shall" to "must"
611.356(a)(3)(C) Board note	Board	Added citation to the federal source of this provision

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611.356(a)(3)(D)	Board	Changed "shall" to "must"
611.356(a)(3)(D)(i)	Board	Capitalized the first word of the subsection
611.356(a)(3)(D)(ii)	Board	Capitalized the first word of the subsection
611.356(a)(3)(D) Board note	Board	Added citation to the federal source of this provision
611.356(a)(3)(E)	Board	Changed "shall" to "must"
611.356(a)(3)(E) Board note	Board	Added citation to the federal source of this provision
611.356(a)(4)	Board	Changed "shall" to "must"
611.356(a)(4)(A)	Board	Changed "shall" to "must"
611.356(a)(4)(A)(i) Board note	Board	Added citation to the federal source of this provision
611.356(a)(4)(A)(ii) Board note	Board	Added citation to the federal source of this provision
611.356(a)(4)(A)(iii) Board note	Board	Deleted "fewer than . . . residences, and" not present in the federal text
611.356(a)(4)(A)(iii) Board note	Board	Added citation to the federal source of this provision
611.356(a)(4)(A)(iv)	Board	Added "CWS" for clarity; changed "shall" to "must"; deleted unnecessary comma after "has";

		deleted "the supplier shall"
611.356(a)(4)(A)(iv) Board note	Board	Added citation to the federal source of this provision
611.356(a)(4)(B)(i)	Board	Changed "shall" to "must"; divided the subsection, adding a closing period
611.356(a)(4)(B)(i) Board note	Board	Added citation to the federal source of this provision
611.356(a)(4)(B)(ii)	Board	Divided the subsection from subsection (a)(4)(B)(i), adding the opening "if"
611.356(a)(4)(B)(ii) Board note	Board	Added citation to the federal source of this provision
611.356(a)(4)(B)(iii)	Board	Renumbered the subsection; changed "shall" to "must"
611.356(a)(4)(B)(iii) Board note	Board	Added citation to the federal source of this provision
611.356(a)(4)(C)	Board	Changed "shall" to "must"
611.356(a)(4)(C)(iii)	Board	Changed "shall" to "must"
611.356(a)(4)(C)(iii) Board note	Board	Added citation to the federal source of this provision
611.356(b)(1)	Board	Changed "shall" to "must"
611.356(b)(2)(A)	Board	Changed "shall" to "must"

611.356(b)(2)(B)	Board	Changed "shall" to "must"
611.356(b)(2)(C)	Board	Changed "shall" to "must"
611.356(b)(2)(E)	Board	Renumbered the subsection
611.356(b)(2)(F)	Board	Changed "subsection (b)(2)(D) above" to "subsection (b)(2)(D) of this Section"
611.356(b)(3)(A)	Board	Changed "shall" to "must"
611.356(b)(3)(B)	Board	Changed "shall" to "must"
611.356(b)(3)(B)(i)	Board	Capitalized the first word of the subsection
611.356(b)(3)(B)(ii)	Board	Capitalized the first word of the subsection
611.356(b)(3)(B)(iii)	Board	Capitalized the first word of the subsection
611.356(b)(4)(A)	Board	Changed "shall" to "must"; changed "sample(s)" to "samples"
611.356(c)(1)	Board	Changed "shall" to "must"; changed "Section 611.Table D" to "Table D of this Part"; changed "subsection (d) below" to "subsection (d) of this Section"
611.356(c)(2)	Board	Changed "subsection (d)(4) below" to "subsection (d)(4) of this Section" (twice); changed "Section

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		611.Table D" to "Table D of this Part"
611.356(d)(1)	Board	Changed "shall" to "must"; changed "Section 611.Table E" to "Table E of this Part"
611.356(d)(1)(A)	Board	Changed "shall" to "must"
611.356(d)(1)(B)	Board	Changed "shall" to "must"; added "the following is true"
611.356(d)(1)(B)(i)	Board	Capitalized the first word of the subsection; changed "shall" to "must"; changed "subsection (d)(2) below" to "subsection (d)(2) of this Section"
611.356(d)(1)(B)(ii)	Board	Capitalized the first word of the subsection; changed "subsection (d)(4) below" to "subsection (d)(4) of this Section"
611.356(d)(2)(A)	Board	Changed "shall" to "must"
611.356(d)(2)(B)	Board	Changed "shall" to "must"
611.356(d)(2)(C)	Board	Changed "shall" to "must"
611.356(d)(3)	Board	Changed "shall" to "must"
611.356(d)(4)(A)	Board	Changed "subsection (c) above" to "subsection (c) of this Section"

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611.356(d)(4)(B)(i)	Board	Changed "the Agency shall . . . allow any supplier to" to "any supplier"
611.356(d)(4)(B)(iii)	Board	Deleted former subsection (d)(4)(B)(iii) and renumbered former subsection (d)(4)(B)(iv); changed "shall" to "must"; deleted the parenthetical "by a SEP . . . 611.110"; changed "subsection (d)(4)(B)(i) determination above" to "determination under subsection (d)(4)(B)(i) of this Section
611.356(d)(4)(C)(iii)	Board	Deleted the parenthetical "by a SEP . . ."; changed "shall" to "must"; added "under subsection (d)(4)(C)(ii) of this Section"
611.356(d)(4)(D)	Board	Changed "shall" to "must" (twice); changed "subsection (a) above" to "subsection (a) of this Section"
611.356(d)(4)(F)(i)	Board	Changed "shall" to "must" (twice); changed "subsection (d)(3) above" to "subsection (d)(3) of this Section"; changed "subsection (c) above" to "subsection (c) of this Section"

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611.356(d)(4)(F)(ii)	Board	Changed "shall" to "must"; changed "subsection (d)(3) above" to "subsection (d)(3) of this Section"; added "must"; changed "subsection (c) above" to "subsection (c) of this Section"
611.356(e)	Board	Changed "shall" to "must"
611.356 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.357 preamble	Board	Changed "shall" to "must"; changed "Section 611.Table G" to "Table G of this Part"
611.357(a)(1)(A)	Board	Changed "shall" to "must"
611.357(a)(1)(B)	Board	Changed "shall" to "must"; changed "point(s)" to "points".
611.357(a)(2)(A)	Board	Changed "shall" to "must"; changed "subsections (b) through (e) below" to "subsections (b) through (e) of this Section"; changed "Section 611.Table E" to "Table E of this Part"
611.357(a)(2)(B)(i)	Board	Changed "shall" to "must"; changed "subsection (b) below" to "subsection (b) of this Section"

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611.357(a)(2)(B)(ii)	Board	Changed "shall" to "must"; changed "subsections (c) through (e) below" to "subsections (c) through (e) of this Section"
611.357(b)(1)	Board	Changed "shall" to "must"; changed "subsection (b)(3) below" to "subsection (b)(3) of this Section"
611.357(b)(2)	Board	Changed "shall" to "must"; changed "subsection (b)(3) below" to "subsection (b)(3) of this Section"
611.357(b)(3)(B)	Board	Capitalized the first word in the subsection
611.357(b)(3)(C)	Board	Capitalized the first word in the subsection
611.357(b)(3)(D)	Board	Capitalized the first word in the subsection
611.357(b)(3)(E)	Board	Capitalized the first word in the subsection
611.357(b)(3)(F)	Board	Capitalized the first word in the subsection
611.357(b)(3)(G)	Board	Capitalized the first word in the subsection
611.357(c)(1)	Board	Changed "shall" to "must"; changed "subsections (c)(3) and (c)(4) below" to "subsections (c)(4) and (c)(5) of this Section"
611.357(c)(2)	Board	Changed "shall" to "must"; changed "subsections (c)(3) and

		(c)(4) below " to "subsections (c)(4) and (c)(5) of this Section"
611.357(c)(4)	Board	Renumbered the subsection to accommodate the addition of new subsection (c)(3)
611.357(c)(4)(B)	Board	Capitalized the first word in the subsection
611.357(c)(4)(C)	Board	Capitalized the first word in the subsection
611.357(c)(4)(D)	Board	Capitalized the first word in the subsection
611.357(c)(4)(E)	Board	Capitalized the first word in the subsection
611.357(c)(5)	Board	Renumbered the subsection to accommodate the addition of new subsection (c)(3)
611.357(c)(5)(B)	Board	Capitalized the first word in the subsection
611.357(c)(5)(C)	Board	Capitalized the first word in the subsection
611.357(d)(1)	Board	Changed "shall" to "must"; changed "subsection (c) above" to "subsection (c) of this Section"
611.357(d)(2)	Board	Changed "shall" to "must"
611.357(e)(1)	Board	Changed "subsection (d) above" to "subsection (d) of this Section"; changed "point(s)" to "points"; changed

		"shall" to "must"; changed "subsection (c)(4) above" to "subsection (c)(4) of this Section"; changed "Section 611.Table E" to "Table E of this Part"
611.357(e)(2)(A)	Board	Changed the subsection language "stages of reductions" to "staged reductions in monitoring frequency"
611.357(e)(2)(A)(i)	Board	Changed "subsection (e)(1) above" to "subsection (e)(1) of this Section"
611.357(e)(2)(A)(ii)	Board	Changed "subsection (e)(2)(A)(i) above" to "subsection (e)(2)(A)(i) of this Section"; changed "subsection (e)(1) above" to "subsection (e)(1) of this Section"
611.357(f)	Board	Changed "shall" to "must"
611.357 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.358(a)(1)	Board	Changed "shall" to "must"
611.358(a)(2)(A)	Board	Changed "shall" to "must"
611.358(a)(2)(B)	Board	Changed "shall" to "must"

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611.358(a)(2)(B)(i)	Board	Changed "shall" to "must"
611.358(a)(2)(B)(ii)	Board	Changed "shall" to "must"
611.358(b)	Board	Changed "shall" to "must"
611.358(c)	Board	Changed "shall" to "must"
611.358(d)(1)	Board	Changed "shall" to "must"; changed "subsection (d)(1)(A) or (d)(1)(B) below" to "subsection (d)(1)(A) or (d)(1)(B) of this Section"
611.358(d)(1)(A)(i)	Board	Changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"; changed "shall" to "must"
611.358(d)(1)(A)(ii)	Board	Changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"; changed "shall" to "must"
611.358(d)(1)(B)	Board	Changed "shall" to "must"
611.358(d)(2)	Board	Changed "subsection (d)(1)(A) or (d)(1)(B) above" to "subsection (d)(1)(A) or (d)(1)(B) of this Section"
611.358(e)(3)	Board	Changed "subsection (d)(1) above" to "subsection (d)(1) of this Section"

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611.358 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.359 preamble	Board	Changed "shall" to "must"
611.359(a)	Board	Changed "shall" to "must"; added "do the following"
611.359(b)	Board	Changed "shall" to "must"
611.359 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.360 preamble	Board	Changed "shall" to "must"
611.360(a)	Board	Added a comma to offset the final element of a series
611.360(a)(1)	Board	Changed "shall" to "must"; changed to written "ten"; changed to written "three"
611.360(a)(1)(A)	Board	Capitalized the first word of the subsection
611.360(a)(1)(C)	Board	Inserted explanatory language where USEPA removed a provision, in order to maintain structural consistency
611.360(a)(1)(D)	Board	Capitalized the first word of the subsection

611.360(a)(1)(E)	Board	Capitalized the first word of the subsection; changed "shall" to "must"
611.360(a)(1)(F)	Board	Capitalized the first word of the subsection
611.360(a)(1)(G)	Board	Capitalized the first word of the subsection; changed "point(s)" to "points"
611.360(b)(1)	Board	Changed "shall" to "must"; changed to written "ten"
611.360(b)(2)	Board	Changed "shall" to "must"
611.360(c)	Board	Changed "shall" to "must"
611.360(c)(1)	Board	Capitalized the first word of the subsection
611.360(c)(2)	Board	Capitalized the first word of the subsection
611.360(c)(3)	Board	Capitalized the first word of the subsection
611.360(c)(4)	Board	Capitalized the first word of the subsection
611.360(d)	Board	Changed "shall" to "must"
611.360(d)(1)	Board	Capitalized the first word of the subsection
611.360(d)(2)	Board	Capitalized the first word of the subsection
611.360(e)	Board	Changed "shall" to "must"

611.360(e)(1)	Board	Changed "shall" to "must"
611.360(e)(1)(A)	Board	Capitalized the first word of the subsection
611.360(e)(1)(B)	Board	Capitalized the first word of the subsection
611.360(e)(1)(C)	Board	Capitalized the first word of the subsection; changed to written "seven"
611.360(e)(2)	Board	Changed "shall" to "must"; changed "has either" to "has done either of the following"
611.360(e)(2)(A)	Board	Capitalized the first word of the subsection; changed to written "seven"
611.360(e)(2)(B)	Board	Capitalized the first word of the subsection; changed "line(s)" to "lines"
611.360(e)(2)(C)	Board	Changed "subsection (e)(2)(B) above" to "subsection (e)(2)(B) of this Section"; changed "shall" to "must"; changed to written "seven"; changed "subsection (a) above" to "subsection (a) of this Section"
611.360(e)(3)	Board	Changed "subsection (e)(2) above" to "subsection (e)(2) of this Section"; changed "shall" to "must"

611.360(e)(3)(A)	Board	Capitalized the first word of the subsection
611.360(e)(3)(B)	Board	Capitalized the first word of the subsection
611.360(e)(3)(C)	Board	Capitalized the first word of the subsection
611.360(g)	Board	Changed "shall" to "must"; changed "period(s)" to "periods"
611.360 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.606(a)	Board	Changed "shall" to "must"
611.606(b)	Board	Changed "shall" to "must"
611.606(c)	Board	Changed "shall" to "must"
611.606 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.648(a) preamble	Board	Added "the following . . . meanings"
611.648(a) "detection limit"	Board	Changed "subsection (r) below" to "subsection (r) of this Section"
611.648(b)	Board	Changed "shall" to "must"; changed "subsection (q) below" to "subsection (q) of this Section"

611.648(c)(1)	Board	Changed "shall" to "must"
611.648(c)(2)	Board	Changed "shall" to "must"
611.648(c)(3)	Board	Changed "shall" to "must"
611.648(c)(4)	Board	Changed "shall" to "must"
611.648(c) Board note	Board	Changed "subsections (b) and (c) above" to "subsections (b) and (c) of this Section"; updated the *Code of Federal Regulations* reference
611.648(d)	Board	Changed ending punctuation to a period
611.648(d)(1)	Board	Changed "shall" to "must"
611.648(d)(2)	Board	Changed "shall" to "must"
611.648(d)(3)	Board	Changed "less" to "fewer"; changed "shall" to "must"
611.648(e)	Board	Changed "subsection (d) above" to "subsection (d) of this Section" (twice); changed "shall" to "must"
611.648(f)	Board	Changed "shall" to "must"; changed "subsection (d) above" to "subsection (d) of this Section"
611.648(g)	Board	Added "the following must occur"

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611.648(g)(1)	Board	Changed "shall" to "must"
611.648(g)(2)(C)	Board	Changed "shall" to "must"
611.648(g)(2)(D)	Board	Changed "shall" to "must" (twice); added a missing period after "based"; changed "subsection (g)(1) above" to "subsection (g)(1) of this Section"
611.648(g)(3)	Board	Changed "shall" to "must"; changed "quarter(s)" to "quarters"
611.648(g)(4)	Board	Changed "subsections (e) and (f) above" to "subsections (e) and (f) of this Section"
611.648(g)(5)(A)	Board	Changed "subsection (g)(5)(B) below" to "subsection (g)(5)(B) of this Section"; changed "shall" to "must"
611,648(g)(5)(B)(i)	Board	Capitalized the first word of the subsection
611.648(g)(5)(B)(ii)	Board	Capitalized the first word of the subsection
611.648(h)(1)	Board	Changed "subsection (k) below" to "subsection (k) of this Section"; changed "shall" to "must"
611.648(h)(2)(C)	Board	Changed "shall" to "must"

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611.648(h)(2)(D)	Board	Changed "shall" to "must" (twice); changed "subsection (h)(1) above" to "subsection (h)(1) of this Section"
611.648(h)(2)(E)	Board	Changed "shall" to "must"
611.648(i)(1)	Board	Changed "shall" to "must"
611.648(i)(2)	Board	Changed "subsection (k) below" to "subsection (k) of this Section"
611.648(i)(3)	Board	Changed "shall" to "must"
611.648(k)	Board	Inserted explanatory language where USEPA removed a provision, in order to maintain structural consistency
611.648(l)	Board	Changed "provision" to "subsection (l)"; updated the *Code of Federal Regulations* reference
611.648(m)(1)	Board	Changed "shall" to "must"
611.648(m)(2)	Board	Changed "shall" to "must"
611.648(n)(1)	Board	Changed "shall" to "must"
611.648(n)(2)	Board	Changed "shall" to "must"; changed "subsection (n)(1) above" to "subsection (n)(1) of this Section"
611.648(o)	Board	Changed "shall" to "must"

611.648(q)	Board	Changed "shall" to "must"
611.648(s)(2)	Board	Changed "must" to "must do the following"
611.648(s)(2)(B)	Board	Changed "subsection (s)(2)(A) above" to "subsection (s)(2)(A) of this Section"; "subsection (s)(2)(C) below" to "subsection (s)(2)(C) of this Section"
611.648 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.745 preamble	Board	Changed "shall" to "must" (twice)
611.745(a)	Board	Added commas to offset a parenthetical "as required . . . 611.743"; added "the following"
611.745(b)	Board	Changed "shall" to "must" (three times)
611.745(b)(1)	Board	Changed "shall" to "must" (twice); changed "date(s)" to "dates"
611.745(b)(2) Board		Changed "shall" to "must" (twice); changed "date(s)" to "dates"
611.745(b)(3)	Board	Changed "shall" to "must" (twice); changed "date(s)" to "dates"
611.745(b)(4)	Board	Changed "shall" to "must" (twice); changed "date(s)" to "dates"

611.745 Board note	Board	Added the *Code of Federal Regulations* reference, with the appropriate *Federal Register* citation
Subpart T heading	Board	Removed "public notification"
611.840(a)	Board	Changed "shall" to "must"
611.840(b)	Board	Changed "shall" to "must"
611.840(e)	Board	Changed "shall" to "must"
611.840 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation
611.860 preamble	Board	Changed "shall" to "must"
611.860(a)	Board	Changed to written "five" and "ten"
611.860(b)	Board	Changed to written "three"
611.860(c)	Board	Changed "U.S. EPA" to "USEPA"; changed to written "ten"
611.860(d)	Board	Changed to written "five"
611.860(e)	Board	Changed "primacy agency" to "Agency"
611.860 Board note	Board	Updated the *Code of Federal Regulations* reference, adding the appropriate *Federal Register* citation

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611.881(d)	Board	Added "the following"
611.881 Board note	Board	Added the *Code of Federal Regulations* reference, with the appropriate *Federal Register* citation
611.883(a)	Board	Changed "shall" to "must"
611.883(b)	Board	Changed ending punctuation to a period
611.883(b)(1)	Board	Changed "source(s)" to "sources"; added "the following"
611.883(b)(1)(A)	Board	Removed a colon; placed the example clause "e.g., . . . groundwater" in parentheses
611.883(c)(1)(A) Board note	Board	Added an explanation of the retention of the definition of "MCLG"
611.883(c)(2) Board note	Board	Placed the required definition language "variances, . . . certain conditions" in quotation marks
611.883(c)(3)(C) Board note	Board	Added an explanation of the retention of the definition of "MRDLG"
611.883(d)(1)	Board	Added "the following"
611.883(d)(3)	Board	Added "the following requirements also apply"
611.883(d)(3)(A)	Board	Changed "table(s)" to "tables"

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611.883(d)(4)	Board	Changed "table(s)" to "tables"; added "the following"
611.883(d)(4)(D)(i)	Board	Changed to lower case "the"
611.883(d)(4)(D) Board note	Board	Updated the *Code of Federal Regulations* reference
611.883(d)(4)(E)	Board	Added "the following"
611.883(d)(4)(E)(i)	Board	Changed to lower case "the"
611.883(d)(4)(E)(ii)	Board	Changed to lower case "the"
611.883(d)(4)(E)(iii)	Board	Changed to lower case "the" (twice)
611.883(d)(4)(F)	Board	Added "the following"
611.883(d)(4)(G)	Board	Added "the following"
611.883(d)(4)(H)	Board	Added "the following"
611.883(d)(4)(I)	Board	Changed "source(s)" to "sources"
611.883(d)(6)	Board	Changed "table(s)" to "tables"; added "the following"; changed "shall" to "must"
611.883(d)(7)	Board	Changed "table(s)" to "tables"
611.883(e)(1)	Board	Changed "Subpart L" to "Subpart L of this Part"; added "the following"
611.883(e)(2)	Board	Added "the following"
611.883(e)(3)	Board	Added "the following"

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611.883(f)(4)	Board	Changed "611.Appendix A of this Part" to "611.Appendix A of this Part"
611.883(g)	Board	Added "the following"
611.883(h)	Board	Changed the ending punctuation to a period
611.883(h)(1)(B)	Board	Added "the following"
611.883(h)(3)	Board	Changed "language(s)" to "languages"
611.883 Board note	Board	Added the *Code of Federal Regulations* reference, with the appropriate *Federal Register* citation
611.884(b)	Board	Added "must do the following"
611.884(b)(1)	Board	Added "the CWS"; changed "shall" to "must"
611.884(b)(2)	Board	Added "the CWS may"
611.884(c)	Board	Added "must do the following"
611.884(c)(1)	Board	Added "the CWS"; changed "shall" to "must"
611.884(c)(2)	Board	Added "the CWS may"
611.884(d)	Board	Changed to written "five percent" and "ten percent"; added "must do the following"
611.884(d)(1)	Board	Added "the CWS"; changed "shall" to "must"; changed to written "two"

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611.884(d)(2)	Board	Added "the CWS"
611.884(e)	Board	Changed "shall" to "must"; changed "Appendix H(73)" to "Appendix A of this Part"
611.884 Board note	Board	Added the *Code of Federal Regulations* reference, with the appropriate *Federal Register* citation
611.885(a)	Board	Changed "shall" to "must"
611.885(b)	Board	Changed "shall" to "must"; added "the following"
611.885(c)	Board	Changed "shall" to "must"
611.885(d)	Board	Changed "shall" to "must"
611.885(e)	Board	Changed "shall" to "must"
611.885(f)	Board	Changed "shall" to "must"
611.885(g)(1)	Board	Changed "shall" to "must"; added "do the following"
611.885(g)(1)(A)	Board	Added "the CWS must"
611.885(g)(1)(B)	Board	Added "the CWS must"
611.885(g)(1)(C)	Board	Added "the CWS must"
611.885(h)	Board	Changed "shall" to "must"

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611.885 Board note	Board	Added the *Code of Federal Regulations* reference, with the appropriate *Federal Register* citation
611.Appendix E heading	Board	Added "for community water systems" to reflect the scope of the provision
611.Appendix E (1)	Board	Changed "EPA" to "USEPA" (twice)
611.Appendix E (2)	Board	Added a comma to offset the final element of a series after "red blood cells"
611.Appendix E (4)(D)	Board	Added "the following"
611.Table G "initial monitoring"	Board	Deleted the closing period for consistency; changed "point(s)" to "points"; added the definite article "the"; changed to written "six"
611.Table G "after the Agency specifies . . . corrosion control"	Board	Changed to lower-case "specifies . . . corrosion control"; changed to written "six"; deleted the entry in the first column of the second segment; added "is"; changed "point(s)" to "points"; added the definite article "the"
611.Table G "after installation of corrosion control"	Board	Changed to lower-case "installation of corrosion control"; changed to written "six"; deleted the entry in the first column of the second segment; added "is"; changed "point(s)" to "points"; added the definite article "the"

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611.Table G "after the Agency specifies . . . corrosion control"	Board	Changed "state" to "the Agency"; changed to lower-case "specifies . . . corrosion control"; changed to written "six"; deleted the entry in the first column of the second segment; added "is"; changed "point(s)" to "points"; added the definite article "the"
611.Table G "reduced monitoring"	Board	Changed to lower-case "monitoring"; changed to written "six"; deleted the entry in the first column of the second segment; added "is"; changed "point(s)" to "points"; added the definite article "the"
611.Table G note 1	Board	Changed the note number to standard font, adding a period
611.Table G note 2	Board	Changed the note number to standard font, adding a period
611.Table G note 3	Board	Changed the note number to standard font, adding a period
611.Table G note 4	Board	Changed the note number to standard font, adding a period

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611.Table G note 5	Board	Changed the note number to standard font, adding a period
611.Table G Board note	Board	Updated the *Code of Federal Regulations* source of this provision, adding "the table to"

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?: No

8) Do these proposed amendments contain incorporations by reference? Although the text of Part 611 includes numerous incorporations by reference, and the current amendments add language incorporating a national standard into a new segment of the rules, the present amendments do not add new incorporations. The national standard now incorporated for the purposes of Section 611.356(g)(1)(A)(ii) was formerly incorporated for the purposes of Section 611.126(b)(3)

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate a public water supply. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

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A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda in which this rulemaking was summarizd: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611
PRIMARY DRINKING WATER STANDARDS

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611.100 Purpose, Scope and Applicability
611.101 Definitions
611.102 Incorporations by Reference
611.103 Severability
611.107 Agency Inspection of PWS Facilities
611.108 Delegation to Local Government
611.109 Enforcement
611.110 Special Exception Permits
611.111 Relief Equivalent to SDWA Section 1415(a) Variances
611.112 Relief Equivalent to SDWA Section 1416 Exemptions
611.113 Alternative Treatment Techniques
611.114 Siting Requirements
611.115 Source Water Quantity
611.120 Effective dates
611.121 Maximum Contaminant Levels and Finished Water Quality
611.125 Fluoridation Requirement
611.126 Prohibition on Use of Lead
611.130 Special Requirements for Certain Variances and Adjusted Standards
611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160 Composite Correction Program

SUBPART B: FILTRATION AND DISINFECTION

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611.201 Requiring a Demonstration
611.202 Procedures for Agency Determinations
611.211 Filtration Required
611.212 Groundwater under Direct Influence of Surface Water
611.213 No Method of HPC Analysis
611.220 General Requirements
611.230 Filtration Effective Dates
611.231 Source Water Quality Conditions
611.232 Site-specific Conditions
611.233 Treatment Technique Violations
611.240 Disinfection
611.241 Unfiltered PWSs
611.242 Filtered PWSs
611.250 Filtration

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611.261 Unfiltered PWSs: Reporting and Recordkeeping
611.262 Filtered PWSs: Reporting and Recordkeeping
611.271 Protection during Repair Work
611.272 Disinfection following Repair

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section
611.280 Point-of-Entry Devices
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SUBPART D: TREATMENT TECHNIQUES

Section
611.295 General Requirements
611.296 Acrylamide and Epichlorohydrin
611.297 Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section
611.300 Old MCLs for Inorganic Chemicals
611.301 Revised MCLs for Inorganic Chemicals
611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemicals
611.311 Revised MCLs for Organic Contaminants
611.312 Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313 Maximum Residual Disinfectant Levels (MRDLs)
611.320 Turbidity
611.325 Microbiological Contaminants
611.330 Radium and Gross Alpha Particle Activity
611.331 Beta Particle and Photon Radioactivity

SUBPART G: LEAD AND COPPER

Section
611.350 General Requirements
611.351 Applicability of Corrosion Control
611.352 Corrosion Control Treatment
611.353 Source Water Treatment
611.354 Lead Service Line Replacement
611.355 Public Education and Supplemental Monitoring
611.356 Tap Water Monitoring for Lead and Copper
611.357 Monitoring for Water Quality Parameters
611.358 Monitoring for Lead and Copper in Source Water
611.359 Analytical Methods
611.360 Reporting
611.361 Recordkeeping

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SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

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611.380 General Requirements
611.381 Analytical Requirements
611.382 Monitoring Requirements
611.383 Compliance Requirements
611.384 Reporting and Recordkeeping Requirements
611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

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611.480 Alternative Analytical Techniques
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SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

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611.521 Routine Coliform Monitoring
611.522 Repeat Coliform Monitoring
611.523 Invalidation of Total Coliform Samples
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SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

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611.560 Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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611.591 Violation of State MCL
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611.600 Applicability
611.601 Monitoring Frequency
611.602 Asbestos Monitoring Frequency

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611.603 Inorganic Monitoring Frequency
611.604 Nitrate Monitoring
611.605 Nitrite Monitoring
611.606 Confirmation Samples
611.607 More Frequent Monitoring and Confirmation Sampling
611.608 Additional Optional Monitoring
611.609 Determining Compliance
611.610 Inorganic Monitoring Times
611.611 Inorganic Analysis
611.612 Monitoring Requirements for Old Inorganic MCLs
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SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.640 Definitions
611.641 Old MCLs
611.645 Analytical Methods for Organic Chemical Contaminants
611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650 Monitoring for 36 Contaminants (Repealed)
611.657 Analytical Methods for 36 Contaminants (Repealed)
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SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.680 Sampling, Analytical and other Requirements
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SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

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611.720 Analytical Methods
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SUBPART R: ENHANCED FILTRATION AND DISINFECTION

Section
611.740 General Requirements

611.741 Standards for Avoiding Filtration
611.742 Disinfection Profiling and Benchmarking
611.743 Filtration
611.744 Filtration Sampling Requirements
611.745 Reporting and Recordkeeping Requirements

SUBPART T: REPORTING~~, PUBLIC NOTIFICATION~~ AND RECORDKEEPING

Section
611.830 Applicability
611.831 Monthly Operating Report
611.832 Notice by Agency (Repealed)
611.833 Cross Connection Reporting
611.840 Reporting
611.851 Reporting MCL, MRDL, and other Violations (Repealed)
611.852 Reporting other Violations (Repealed)
611.853 Notice to New Billing Units (Repealed)
611.854 General Content of Public Notice (Repealed)
611.855 Mandatory Health Effects Language (Repealed)
611.856 Fluoride Notice (Repealed)
611.858 Fluoride Secondary Standard (Repealed)
611.860 Record Maintenance
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SUBPART U: CONSUMER CONFIDENCE REPORTS

Section
611.881 Purpose and Applicability of this Subpart
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SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section
611.901 General Public Notification Requirements
611.902 Tier 1 Public Notice--Form, Manner, and Frequency of Notice
611.903 Tier 2 Public Notice--Form, Manner, and Frequency of Notice
611.904 Tier 3 Public Notice--Form, Manner, and Frequency of Notice
611.905 Content of the Public Notice
611.906 Notice to New Billing Units or New Customers
611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring Results
611.908 Special Notice for Exceedance of the Fluoride Secondary Standard
611.909 Special Notice for Nitrate Exceedances above the MCL by a non-Community Water System
611.910 Notice by the Agency on Behalf of a PWS

APPENDIX A Regulated Contaminants ~~Mandatory Health Effects Information~~
APPENDIX B Percent Inactivation of G. Lamblia Cysts
APPENDIX C Common Names of Organic Chemicals
APPENDIX D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water
APPENDIX E Mandatory Lead Public Education Information for Community Water Systems
APPENDIX F Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems ~~Converting Maximum Contaminant level (MCL) Compliance Values for Consumer Confidence Reports~~
APPENDIX G NPDWR Violations and Situations Requiring Public Notice ~~Regulated Contaminants~~
APPENDIX H Standard Health Effects Language for Public Notification
APPENDIX I Acronyms Used in Public Notification Regulation
TABLE A Total Coliform Monitoring Frequency
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TABLE F Number of Water Quality Parameter Sampling Sites
TABLE G Summary of Monitoring Section 611.357 Requirements for Water Quality Parameters(1)
TABLE Z Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. _____, effective _____.

NOTE: In the chemical notations and footnotes in this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; SUM means the summation series or sigma function as used in mathematics; and u (in ug) is substituted for the Greek symbol mu.

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SUBPART A: GENERAL

Section 611.126 Prohibition on Use of Lead

a) In general. Prohibition. Any pipe, any pipe or plumbing fitting or fixture, solder or flux must ~~shall~~ be lead free, as defined by subsection (b) of this Section, if it is used after June 19, 1986 in the installation or repair of:
 1) Any PWS, or
 2) Any plumbing in a residential or nonresidential facility providing water for human consumption that is connected to a PWS. This subsection (a) does not apply to leaded joints necessary for the repair of cast iron pipes.

b) Definition of lead free. For purposes of this Section, the term "lead free":
 1) When used with respect to solders and flux, refers to solders and flux containing not more than 0.2 percent lead;
 2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 8.0 percent lead; and
 3) when used with respect to plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion, refers to plumbing fittings and fixtures in compliance with NSF Standard 61, section 9, incorporated by reference in Section 611.102.

BOARD NOTE: Derived from 40 CFR 141.43(a) and (d) (1999), as amended at 65 Fed. Reg. 2003 (Jan. 12, 2000), ~~(1998)~~ and 42 USC 300g-6(a)(1) (1998). USEPA has stated that NSF Standard 61 is the standard for plumbing fitting and fixtures developed pursuant to 42 USC 300g-6(e). See 62 Fed. Reg. 44684 (Aug. 22, 1997).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance

This Section is intended as a State equivalent of Section 1415(e) of the federal SDWA (42 USC 300g-1).

a) Variances may be obtained from the requirement to comply with an MCL or treatment technique to a PWS serving fewer than 10,000 persons in this Section. The PWS must ~~shall~~ file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

b) The Board will grant a small system variance to a PWS serving fewer than 3,300 persons. The Board will grant a small system variance to a PWS serving more than 3,300 persons but fewer than 10,000 persons with the approval of the USEPA. In determining the number of persons

POLLUTION CONTROL BOARD

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served by the PWS, the Board will include persons served by consecutive systems. A small system variance granted to a PWS also applies to any consecutive system served by it.

c) Availability of a variance.
 1) A small system variance is not available under this Section for an NPDWR for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.
 2) A small system variance under this Section is available for compliance with a requirement specifying an MCL or treatment technique for a contaminant with respect to which the following is true:
 A) An NPDWR was promulgated on or after January 1, 1986; and
 B) The USEPA has published a small system variance technology pursuant to Section 1412(b)(15) of the federal SDWA (42 USC 300g-1(b)(15)).

BOARD NOTE: Small system variances are not available for PWSs above the pre-1986 MCL even if subsequently revised. If the USEPA revises a pre-1986 MCL and makes it more stringent, then a variance would be available for that contaminant, but only up to the pre-1986 ~~pre-1986~~ maximum contaminant level.

d) No small system variance will be in effect until the later of the following:
 1) 90 days after the Board proposes to grant the small system variance;
 2) If the Board is proposing to grant a small system variance to a PWS serving fewer than 3,300 persons and the USEPA objects to the small system variance, the date on which the Board makes the recommended modifications or responds in writing to each objection; or
 3) If the Board is proposing to grant a small system variance to a PWS serving a population of more than 3,300 and fewer than 10,000 persons, the date the USEPA approves the small system variance.

e) As part of the showing of arbitrary or unreasonable hardship, the PWS must ~~shall~~ prove and document the following to the Board:
 1) That the ~~The~~ PWS is eligible for a small system variance pursuant to subsection (c) of this Section;
 2) That the ~~The~~ PWS cannot afford to comply with the NPDWR for which a small system variance is sought, including by the following:
 A) Treatment;
 B) Alternative sources of water supply;
 C) Restructuring or consolidation changes, including ownership change or physical consolidation with another PWS; or
 D) Obtaining financial assistance pursuant to Section 1452 of the federal SDWA or any other federal or State program;
 3) That the ~~The~~ PWS meets the source water quality requirements for installing the small system variance technology developed pursuant to guidance published under Section 1412(b)(15) of the

federal SDWA (42 USC 300g-1(b)(15));

4) That the ~~The~~ PWS is financially and technically capable of installing, operating, and maintaining the applicable small system variance technology; and

5) That the ~~The~~ terms and conditions of the small system variance ensure adequate protection of human health, considering the following:

A) The quality of the source water for the PWS; and

B) Removal efficiencies and expected useful life of the small system variance technology.

f) Terms and Conditions.

1) The Board will set the terms and conditions of a small system variance issued under this Section and will include, at a minimum, the following requirements:

A) Proper and effective installation, operation, and maintenance of the applicable small system variance technology in accordance with guidance published by the USEPA, taking into consideration any relevant source water characteristics and any other site-specific conditions that may affect proper and effective operation and maintenance of the technology;

B) Monitoring requirements, for the contaminant for which a small system variance is sought; and

C) Any other terms or conditions that are necessary to ensure adequate protection of public health, which may include:

i) Public education requirements; and

ii) Source water protection requirements.

2) The Board will establish a schedule for the PWS to comply with the terms and conditions of the small system variance that will include, at a minimum, the following requirements:

A) Increments of progress, such as milestone dates for the PWS to apply for financial assistance and begin capital improvements;

B) Quarterly reporting to the Agency of the PWSs compliance with the terms and conditions of the small system variance;

C) Schedule for the Board to review the small system variance; and

BOARD NOTE: Corresponding 40 CFR 142.307(d) (1999) provides that the states must review variances no less frequently than every five years. Section 36 of the Act provides that 5 years is the maximum terms of a variance.

D) Compliance with the terms and conditions of the small system variance as soon as practicable, but not later than three years after the date on which the small system variance is granted. The Board may allow up to two additional years if the Board determines that additional time is necessary for the PWS to:

i) Complete necessary capital improvements to comply with

the small system variance technology, secure an alternative source of water, or restructure or consolidate; or

ii) Obtain financial assistance provided pursuant to Section 1452 of the SDWA or any other federal or State program.

g) The Board will provide notice and opportunity for a public hearing as provided in 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

1) At least 30 days before the public hearing to discuss the proposed small system variance, the PWS must ~~shall~~ provide notice to all persons served by the PWS. For billed customers, this notice must include the information listed in subsection (g)(2) of this Section. For other persons regularly served by the PWS, notice must provide sufficient information to alert readers to the proposed variance and direct them to where to receive additional information, and must be as provided in subsection (g)(1)(B) of this Section. Notice must be by the following means:

A) Direct mail or other home delivery to billed customers or other service connections, and

B) Any other method reasonably calculated to notify, in a brief and concise manner, other persons regularly served by the PWS. Such methods may include publication in a local newspaper, posting in public places or delivery to community organizations.

2) The notice in subsection (g)(1)(A) of this Section must include, at a minimum, the following:

A) Identification of the contaminant(s) for which a small system variance is sought;

B) A brief statement of the health effects associated with the contaminant(s) for which a small system variance is sought using language in Appendix I H of this Part;

C) The address and telephone number at which interested persons may obtain further information concerning the contaminant and the small system variance;

D) A brief summary, in easily understandable terms, of the terms and conditions of the small system variance;

E) A description of the consumer petition process under subsection (h) of this Section and information on contacting the USEPA Regional Office;

F) A brief statement announcing the public meeting required under subsection (g)(3) of this Section, including a statement of the purpose of the meeting, information regarding the time and location for the meeting, and the address and telephone number at which interested persons may obtain further information concerning the meeting; and

G) In communities with a large proportion of

non-English-speaking residents, as determined by the Board, information in the appropriate language regarding the content and importance of the notice.

3) The Board will provide for at least one public hearing on the small system variance. The PWS must ~~shall~~ provide notice in the manner required under subsection (g)(1) of this Section at least 30 days prior to the public hearing.

4) Prior to promulgating the final variance, the Board will respond in writing to all significant public comments received relating to the small system variance. Response to public comment and any other documentation supporting the issuance of a variance will be made available to the public after final promulgation.

h) Any person served by the PWS may petition the USEPA to object to the granting of a small system variance within 30 days after the Board proposes to grant a small system variance for the PWS.

i) The Agency must ~~shall~~ promptly send the USEPA the Opinion and Order of the Board granting the proposed small system variance. The Board will make the recommended modifications, respond in writing to each objection, or withdraw the proposal to grant the small system variance if USEPA notifies the Board of a finding pursuant to Section 1415 of the SDWA (42 USC 300g-4).

j) In addition to the requirements of this Section, the provisions of Section 611.111, 611.112, or 611.130 may apply to relief granted pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 142, Subpart K (1999) ~~(1998)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.261 Unfiltered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source and does not provide filtration treatment must ~~shall~~ report monthly to the Agency the information specified in this Section beginning December 31, 1990, unless the Agency has determined that filtration is required, in which case the Agency must ~~shall~~, by special exception permit, specify alternative reporting requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment must ~~shall~~ report monthly to the Agency the information specified in this Section beginning December 31, 1990, or six 6 months after the Agency determines that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency must ~~shall~~, by special exception permit, specify alternative reporting requirements, as appropriate, until filtration is in place.

a) Source water quality information must be reported to the Agency within

ten ~~10~~ days after the end of each month the system serves water to the public. Information that must be reported includes:

1) The cumulative number of months for which results are reported.

2) The number of fecal or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.

3) The number of samples during the month that had equal to or fewer ~~less~~ than 20/100 ml fecal coliforms or equal to or fewer ~~less~~ than 100/100 ml total coliforms, whichever are analyzed.

4) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.

5) The cumulative number of samples that had equal to or fewer ~~less~~ than 20/100 ml fecal coliforms or equal to or less than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.

6) The percentage of samples that had equal to or fewer ~~less~~ than 20/100 ml fecal coliforms or equal to or fewer ~~less~~ than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.

7) The maximum turbidity level measured during the month, the dates ~~date(s)~~ of occurrence for any measurements ~~measurement(s)~~ which exceeded 5 NTU and the dates ~~date(s)~~ the occurrences ~~occurrence(s)~~ was reported to the Agency.

8) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.

9) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after ten ~~10~~ years of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months the system served water to the public.

b) Disinfection information specified in Section 611.532 must be reported to the Agency within ten ~~10~~ days after the end of each month the system serves water to the public. Information that must be reported includes:

1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.

2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.

3) The daily RDCs ~~RDC(s)~~ (in mg/L) and disinfectant contact times

~~time(s)~~ (in minutes) used for calculating the CT values ~~value(s)~~.

4) If chlorine is used, the daily measurements ~~measurement(s)~~ of pH of disinfected water following each point of chlorine disinfection.

5) The daily measurements ~~measurement(s)~~ of water temperature in degrees C following each point of disinfection.

6) The daily CTcalc and Ai values for each disinfectant measurement or sequence and the sum of all Ai values (B) before or at the first customer.

7) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether Ai is at least 1.0 or, where disinfectants other than chlorine are used, other indicator conditions that the Agency, pursuant to Section 611.241(a)(1), determines are appropriate, are met.

8) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Section 611.240 et seq.:

A) Number of instances where the RDC is measured;

B) Number of instances where the RDC is not measured but HPC is measured;

C) Number of instances where the RDC is measured but not detected and no HPC is measured;

D) Number of instances where the RDC is detected and where HPC is greater than 500/ml;

E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;

F) For the current and previous month the system served water to the public, the value of "V" in the following formula:

$$V = 100(c + d + e) / (a + b)$$

where:

a = Value in subsection (b)(8)(A).

b = Value in subsection (b)(8)(B).

c = Value in subsection (b)(8)(C).

d = Value in subsection (b)(8)(D). ~~And~~,

e = Value in subsection (b)(8)(E).

G) The requirements of subsections (b)(8)(A) through (F) do not apply if the Agency determines, pursuant to Section 611.213, that a system has no means for having a sample analyzed for HPC.

9) A system need not report the data listed in subsections (b)(1), and (b)(3) through (6), if all data listed in subsections (b)(1) through (b)(8) remain on file at the system, and the Agency determines, by special exception permit, that:

A) The system has submitted to the Agency all the information required by subsections (b)(1) through (8) for at least 12 months; and

B) The Agency has determined that the system is not required to provide filtration treatment.

c) By October 10 of each year, each system must ~~shall~~ provide to the Agency a report which summarizes its compliance with all watershed control program requirements specified in 611.232(b).

d) By October 10 of each year, each system must ~~shall~~ provide to the Agency a report on the on-site inspection conducted during that year pursuant to Section 611.232(c), unless the on-site inspection was conducted by the Agency. If the inspection was conducted by the Agency, the Agency must ~~shall~~ provide a copy of its report to the supplier.

e) Reporting health threats.

1) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must ~~shall~~ report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.

2) If at any time the turbidity exceeds 5 NTU, the system must consult with ~~shall--inform~~ the Agency as soon as practical ~~possible~~, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3) ~~the end of the next business day~~.

3) If at any time the RDC falls below 0.2 mg/L in the water entering the distribution system, the system must ~~shall~~ notify the Agency as soon as possible, but no later than by the end of the next business day. The system also must ~~shall~~ notify the Agency by the end of the next business day whether or not the RDC was restored to at least 0.2 mg/L within four ~~4~~ hours.

BOARD NOTE: Derived from 40 CFR 141.75(a) (1999) ~~(1989)~~, as amended at ~~54~~ Fed. Reg. 26022 (May 4, 2000) ~~27526, June 29, 1989~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.262 Filtered PWSs: Reporting and Recordkeeping

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment must ~~shall~~ report monthly to the Agency the information specified in this Section ~~beginning June 29, 1993, or when filtration is installed, whichever is later~~.

a) Turbidity measurements as required by Section 611.533(a) must be reported within 10 days after the end of each month the supplier ~~system~~ serves water to the public. Information that must be reported

includes:

1) The total number of filtered water turbidity measurements taken during the month.
2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in Section 611.250 for the filtration technology being used.
3) The date and value of any turbidity measurements taken during the month which exceed 5 NTU.

b) Disinfection information specified in Section 611.533 must be reported to the Agency within 10 days after the end of each month the supplier ~~system~~ serves water to the public. Information that must be reported includes:

1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.
2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.
3) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Sections ~~Section~~ 611.240 through 611.242 ~~et seq.~~:
 A) Number of instances where the RDC is measured;
 B) Number of instances where the RDC is not measured but HPC is measured;
 C) Number of instances where the RDC is measured but not detected and no HPC is measured;
 D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;
 E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;
 F) For the current and previous month the supplier ~~system~~ serves water to the public, the value of "V" in the following formula:

~~V = 100(c + d + e) / (a + b)~~

$$V = \frac{100(c + d + e)}{(a + b)}$$

where:

a = Value in subsection (b)(3)(A) of this Section;

b = Value in subsection (b)(3)(B) of this Section;

c = Value in subsection (b)(3)(C) of this Section;

d = Value in subsection (b)(3)(D) of this Section; and

And

e = Value in subsection (b)(3)(E) ~~of this Section~~.

G) Subsections (b)(3)(A) through (b)(3)(F) of this Section do not apply if the Agency determines, pursuant to Section 611.213, that a supplier ~~system~~ has no means for having a sample analyzed for HPC.

c) Reporting health threats.

1) Each supplier ~~system~~, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must ~~shall~~ report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.
2) If at any time the turbidity exceeds 5 NTU, the supplier must consult with ~~system shall inform~~ the Agency as soon as practical ~~possible~~, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3) ~~the end of the next business day~~.
3) If at any time the residual falls below 0.2 mg/L in the water entering the distribution system, the supplier must ~~system shall~~ notify the Agency as soon as possible, but no later than by the end of the next business day. The supplier ~~system~~ also must ~~shall~~ notify the Agency by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L within four ~~4~~ hours.

BOARD NOTE: Derived from 40 CFR 141.75(b) (1999) ~~(1989)~~, as amended at 65 ~~54~~ Fed. Reg. 26022 (May 4, 2000) ~~27526, June 29, 1989~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Section 611.300 Old MCLs for Inorganic Chemicals

a) The old MCLs listed in subsection (b) of this Section ~~below~~ for inorganic chemicals apply only to CWS suppliers. Compliance with old MCLs for inorganic chemicals is calculated pursuant to Section 611.612, except that analyses for arsenic are to be performed pursuant to Section 611.611.
 BOARD NOTE: Derived from 40 CFR 141.11(a) (1999) ~~(1995)~~.

b) The following are the old MCL's for inorganic chemicals:

Contaminant	Level, mg/L	Additional State Requirement (*)

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Arsenic	0.05	
Iron	1.0	*
Manganese	0.15	*
Zinc	5.	*

BOARD NOTE: Derived from 40 CFR 141.11(b) & (c) (1999) ~~(1995)~~. This provision, which corresponds with 40 CFR 141.11, was formerly the only listing of MCLs for inorganic parameters. However, USEPA added another listing of inorganic MCLs at 40 CFR 141.62 at 56 Fed. Reg. 3594 (Jan. 30, 1991), which corresponds with Section 611.301.

c) This subsection corresponds with 40 CFR 141.11(c) (1999) ~~(1995)~~, marked as reserved by USEPA. This statement maintains structural parity with the federal rules.

d) Nitrate.

Non-CWSs may exceed the MCL for nitrate under the following circumstances:

1~~A~~) The nitrate level must not exceed 20 mg/L,

2~~B~~) The water must not be available to children under six months of age,

3~~C~~) The NCWS supplier is meeting the public notification requirements under Section 611.909, including ~~There will be~~ continuous posting of the fact that the nitrate level exceeds 10 mg/L together with the potential ~~public~~ health effects ~~information set forth in paragraph (2)~~ of exposure ~~Section 611.Appendix A~~,

4~~B~~) The supplier will annually notify local public health authorities and Public Health of the nitrate levels that exceed 10 mg/L, and

5~~E~~) No adverse public health effects result.

BOARD NOTE: Derived from 40 CFR 141.11(d) (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000) ~~(1995)~~. Public Health regulations may impose a nitrate limitation requirement. Those regulations are at 77 Ill. Adm. Code 900.50.

e) The following supplementary condition applies to the MCLs listed in subsection (b) of this Section ~~above~~ for iron and manganese:

1) CWS suppliers that serve a population of 1000 or fewer ~~less~~, or 300 service connections or fewer ~~less~~, are exempt from the standards for iron and manganese.

2) The Agency may, by special exception permit, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by special exception permit.

BOARD NOTE: The requirements of subsection (e) of this Section are ~~This is~~ an additional State requirement.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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SUBPART G: LEAD AND COPPER

Section 611.351 Applicability of Corrosion Control

a) Corrosion control required. Suppliers must ~~shall~~ complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.

1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) must ~~shall~~ complete the corrosion control treatment steps specified in subsection (d) of this Section ~~below~~, unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3) of this Section ~~below~~.

2) Medium-sized and small systems. Each small system supplier (one regularly serving 3300 or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 or fewer persons) must ~~shall~~ complete the corrosion control treatment steps specified in subsection (e) of this Section ~~below~~, unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3) of this Section ~~below~~.

b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the ~~following~~ criteria specified in subsections (b)(1) through (b)(3) of this Section. Any such system deemed to have optimized corrosion control under this subsection, and which has treatment in place, must continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Agency determines are appropriate to ensure optimal corrosion control treatment is maintained.~~:~~

1) Small or medium-sized system meeting action levels. A small system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods with monitoring conducted in accordance with Section 611.356.

2) SEP for equivalent activities to corrosion control. The Agency must ~~shall~~, by a SEP granted pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency must ~~shall~~ specify the water quality control parameters representing optimal corrosion control in accordance with Section 611.352(f). A water supplier that is deemed to have optimized corrosion control under this subsection (b)(2) must operate in compliance with the Agency-designated optimal water quality control parameters in accordance with Section 611.352(g) and must continue to conduct

lead and copper tap and water quality parameter sampling in accordance with Sections 611.356(d)(3) and 611.357(d), respectively. A supplier must ~~shall~~ provide the Agency with the following information in order to support an Agency SEP determination under this subsection:

A) The ~~the~~ results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);

B) A ~~a~~ report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier's selection of optimal corrosion control treatment;

C) A ~~a~~ report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumer's taps; and

D) The ~~the~~ results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.

3) Results less than practical quantitation level (PQL) for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods the difference between the 90th percentile tap water lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(B)(i).

A) Those systems whose highest source water lead level is below the method detection limit (MDL) may also be deemed to have optimized corrosion control under this subsection (b) if the 90th percentile tap water lead level is less than or equal to the PQL for lead for two consecutive 6-month monitoring periods.

B) Any water system deemed to have optimized corrosion control in accordance with this subsection must continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in Section 611.356(c) and collecting the samples at times and locations specified in Section 611.356(d)(4)(D). Any such system that has not conducted a round of monitoring pursuant to Section 611.356(d) since September 30, 1997, must complete a round of monitoring pursuant to this subsection (b) no later than September 30, 2000.

BOARD NOTE: USEPA specified September 30, 2000 at 40 CFR 141.81(b)(3)(ii) (1999), as amended at 65 Fed. Reg. 2004

(Jan. 12, 2000). In order to remain identical-in-substance and to retain state primacy, the Board retained this date despite the fact that this Section became effective after that date.

C) Any water system deemed to have optimized corrosion control pursuant to this subsection must notify the Agency in writing pursuant to Section 611.360(a)(3) of any change in treatment or the addition of a new source. The Agency must require any such system to conduct additional monitoring or to take other action if the Agency determines that the additional monitoring is necessary and appropriate to ensure that the supplier maintains minimal levels of corrosion in its distribution system.

D) As of July 12, 2001, a supplier is not deemed to have optimized corrosion control under this subsection (b), and must implement corrosion control treatment pursuant to subsection (b)(3)(E) of this Section, unless it meets the copper action level.

E) Any supplier triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this subsection must implement corrosion control treatment in accordance with the deadlines in subsection (e) of this Section. Any such large system supplier must adhere to the schedule specified in that subsection for a medium-size system supplier, with the time periods for completing each step being triggered by the date the supplier is no longer deemed to have optimized corrosion control under this subsection (b).

c) Suppliers not required to complete corrosion control steps for having met both action levels.

1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its exceedance of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:

A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356, and

B) the supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.

2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) of this Section ~~above~~ (or the Agency, if appropriate) must ~~shall~~ resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any monitoring period.

3) The Agency may, by SEP, require a supplier to repeat treatment

steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment requirements of this Section. Any such SEP must ~~shall~~ explain the basis for this decision.

4) The requirement for any small or medium-sized system supplier to implement corrosion control treatment steps in accordance with subsection (e) of this Section ~~below~~ (including systems deemed to have optimized corrosion control under subsection (b)(1) of this Section ~~above~~) is triggered whenever any small or medium-sized system supplier exceeds the lead or copper action level.

d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3) of this Section ~~above~~, large system suppliers must ~~shall~~ complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.

1) Step 1: The supplier must ~~shall~~ conduct initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.
BOARD NOTE: USEPA ~~U.S. EPA~~ specified January 1, 1993 at 40 CFR 141.81(d)(1) (1999). In order to remain identical-in-substance and to retain state primacy, the Board retained this date despite the fact that this Section became effective after that date.

2) Step 2: The supplier must ~~shall~~ complete corrosion control studies (Section 611.352(c)) on or before July 1, 1994.

3) Step 3: The Agency must ~~shall~~ approve optimal corrosion control treatment (Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.

4) Step 4: The supplier must ~~shall~~ install optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.

5) Step 5: The supplier must ~~shall~~ complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.

6) Step 6: The Agency must ~~shall~~ review installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.

7) Step 7: The supplier must ~~shall~~ operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

e) Treatment steps and deadlines for small and medium-sized system suppliers. Except as provided in subsection (b) of this Section ~~above~~, small and medium-sized system suppliers must ~~shall~~ complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356 and 611.357) by the indicated time periods.

1) Step 1: The supplier must ~~shall~~ conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section

611.356(d)(4). A supplier exceeding the lead action level or the copper action level must ~~shall~~ recommend optimal corrosion control treatment (Section 611.352(a)) within six months after it exceeds one of the action levels.

2) Step 2: Within 12 months after a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency must ~~shall~~, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within the following timeframes:
A) for medium-sized systems, within 18 months after such supplier exceeds the lead action level or the copper action level,
B) for small systems, within 24 months after such supplier exceeds the lead action level or the copper action level.

3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2) of this Section ~~above~~), the supplier must ~~shall~~ complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.

4) Step 4: If the supplier has performed corrosion control studies under step 2 (subsection (e)(2) of this Section ~~above~~), the Agency must ~~shall~~, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within six 6 months after completion of step 3 (subsection (e)(3) of this Section ~~above~~).

5) Step 5: The supplier must ~~shall~~ install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.

6) Step 6: The supplier must ~~shall~~ complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.

7) Step 7: The Agency must ~~shall~~ review the supplier's installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water quality control parameters (Section 611.352(f)) within six 6 months after completion of step 6 (subsection (e)(6) of this Section ~~above~~).

8) Step 8: The supplier must ~~shall~~ operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

BOARD NOTE: Derived from 40 CFR 141.81 (1999), as amended at 65 Fed. Reg. 2004 (Jan. 12, 2000) ~~(1994)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.352 Corrosion Control Treatment

Each supplier must ~~shall~~ complete the corrosion control treatment requirements described below that are applicable to such supplier under Section 611.351.

a) System recommendation regarding corrosion control treatment.

1) Based on the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-sized system suppliers exceeding the lead action level or the copper action level must ~~shall~~ recommend to the Agency installation of one or more of the corrosion control treatments listed in subsection (c)(1) of this Section ~~below~~ that the supplier believes constitutes optimal corrosion control for its system.

2) The Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to conduct additional water quality parameter monitoring in accordance with Section 611.357(b) to assist it in reviewing the supplier's recommendation.

b) Agency-required studies of corrosion control treatment. The Agency may, by a SEP issued pursuant to Section 611.110, require any small or medium-sized system supplier that exceeds the lead action level or the copper action level to perform corrosion control studies under subsection (c) of this Section ~~below~~ to identify optimal corrosion control treatment for its system.

c) Performance of studies:

1) Any supplier performing corrosion control studies must ~~shall~~ evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments, to identify the optimal corrosion control treatment for its system:

A) Alkalinity ~~alkalinity~~ and pH adjustment;

B) Calcium ~~calcium~~ hardness adjustment; and

C) The ~~the~~ addition of a phosphate- or silicate-based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.

2) The supplier must ~~shall~~ evaluate each of the corrosion control treatments using either pipe rig/loop tests; metal coupon tests; partial-system tests; or analyses based on documented analogous treatments in other systems of similar size, water chemistry, and distribution system configuration.

3) The supplier must ~~shall~~ measure the following water quality parameters in any tests conducted under this subsection before and after evaluating the corrosion control treatments listed above:

A) Lead ~~lead~~;

B) Copper ~~copper~~;

C) pH;

D) Alkalinity ~~alkalinity~~;

E) Calcium ~~calcium~~;

F) conductivity;

G) Orthophosphate ~~orthophosphate~~ (when an inhibitor containing a phosphate compound is used);

H) Silicate ~~silicate~~ (when an inhibitor containing a silicate compound is used); and

I) Water ~~water~~ temperature.

4) The supplier must ~~shall~~ identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment, and document such constraints with at least one of the following:

A) Data ~~data~~ and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another supplier with comparable water quality characteristics; or

B) Data ~~data~~ and documentation demonstrating that the supplier has previously attempted to evaluate a particular corrosion control treatment, finding either that the treatment is ineffective or it adversely affects other water quality treatment processes.

5) The supplier must ~~shall~~ evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

6) On the basis of an analysis of the data generated during each evaluation, the supplier must ~~shall~~ recommend to the Agency, in writing, that treatment option the corrosion control studies indicate constitutes optimal corrosion control treatment for its system. The supplier must ~~shall~~ provide a rationale for its recommendation, along with all supporting documentation specified in subsections (c)(1) through (c)(5) of this Section ~~above~~.

d) Agency approval of treatment:

1) Based on consideration of available information including, where applicable, studies performed under subsection (c) of this Section ~~above~~ and a supplier's recommended treatment alternative, the Agency must ~~shall~~, by a SEP issued pursuant to Section 611.110, either approve the corrosion control treatment option recommended by the supplier, or deny and require investigation and recommendation of alternative corrosion control treatments ~~treatment(s)~~ from among those listed in subsection (c)(1) of this Section ~~above~~. When approving optimal treatment, the Agency must ~~shall~~ consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

2) The Agency must ~~shall~~, in any SEP issued under subsection (d)(1) of this Section ~~above~~, notify the supplier of the basis for this determination.

e) Installation of optimal corrosion control. Each supplier must ~~shall~~ properly install and operate, throughout its distribution system, that optimal corrosion control treatment approved by the Agency pursuant to subsection (d) of this Section ~~above~~.

f) Agency review of treatment and specification of optimal water quality

control parameters. The Agency must ~~shall~~ evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the supplier and determine whether it has properly installed and operated the optimal corrosion control treatment approved pursuant to subsection (d) of this Section ~~above~~.

1) Upon reviewing the results of tap water and water quality parameter monitoring by the supplier, both before and after the installation of optimal corrosion control treatment, the Agency must ~~shall~~, by a SEP issued pursuant to Section 611.110, specify the following:
 A) ~~A~~a minimum value or a range of values for pH measured at each entry point to the distribution system;
 B) ~~A~~a minimum pH value, measured in all tap samples. Such value must ~~shall~~ be equal to or greater than 7.0, unless the Agency determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the supplier to optimize corrosion control;
 C) If ~~if~~ a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Agency determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;
 D) If ~~if~~ alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;
 E) If ~~if~~ calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.
2) The values for the applicable water quality control parameters listed in subsection (f)(1) of this Section ~~above~~ must ~~shall~~ be those that the Agency determines reflect optimal corrosion control treatment for the supplier.
3) The Agency may, by a SEP issued pursuant to Section 611.110, approve values for additional water quality control parameters determined by the Agency to reflect optimal corrosion control for the supplier's system.
4) The Agency must ~~shall~~, in issuing a SEP, explain these determinations to the supplier, along with the basis for its decisions.

g) Continued Operation and Monitoring. All suppliers optimizing corrosion control must continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameter values at or above minimum values or within ranges approved by the Agency under subsection (f) of this Section, in accordance with this subsection for all samples collected under Section 611.357(d) through (f). Compliance with the requirements of this subsection (g) must be determined every six months, as specified under Section 611.357(d). A water system is out of compliance with the requirements of this subsection for a six-month period if it has excursions for any Agency-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Agency. Daily values are calculated as provided in subsections (g)(1) through (g)(3) of this Section. The Agency must delete results that it determines are obvious sampling errors from this calculation.

1) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value must be the average of all results collected during the day regardless of whether the samples are collected through continuous monitoring, grab sampling, or a combination of both.
 BOARD NOTE: Corresponding 40 CFR 141.82(g)(1) further provides as follows: If USEPA approves an alternative formula under 40 CFR 142.16 in the State's application for a program revision submitted pursuant to 40 CFR 142.12, the State's formula must be used to aggregate multiple measurements taken at a sampling point for the water quality parameter in lieu of the formula in the subsection.
2) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value must be the result of that measurement.
3) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value must be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.
~~1) All suppliers shall maintain water quality parameter values at or above minimum values or within ranges approved by the Agency under subsection (f) above in each sample collected under Section 611.357(d).~~
~~2) If the water quality parameter value of any sample is below the minimum value or outside the range approved by the Agency, then the supplier is out of compliance with subsection.~~
~~3) As specified in Section 611.357(d)(3), the supplier may take a confirmation sample for any water quality parameter value no later than 3 days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result, and the average must be used for any compliance determinations under this subsection. The Agency may delete results of obvious sampling errors from this calculation.~~

h) Modification of Agency treatment decisions.
1) On its own initiative, or in response to a request by a supplier, the Agency may, by a SEP issued pursuant to this subsection and Section 611.110, modify its determination of the optimal corrosion control treatment under subsection (d) of this Section

above or of the optimal water quality control parameters under subsection (f) of this Section above.

2) A request for modification must be in writing, explain why the modification is appropriate, and provide supporting documentation.

3) The Agency may modify its determination where it determines that such change is necessary to ensure that the supplier continues to optimize corrosion control treatment. A revised determination must set forth the new treatment requirements, explain the basis for the Agency's decision, and provide an implementation schedule for completing the treatment modifications.

4) Any interested person may submit information to the Agency bearing on whether the Agency should, within its discretion, issue a SEP to modify its determination pursuant to subsection (h)(1) of this Section above. An Agency determination not to act on a submission of such information by an interested person is not an Agency determination for the purposes of Sections 39 and 40 of the Act.

i) Treatment decisions by USEPA. Pursuant to the procedures in 40 CFR 142.19, the USEPA Regional Administrator has reserved the prerogative to review treatment determinations made by the Agency under subsections (d), (f), or (h) of this Section above and issue federal treatment determinations consistent with the requirements of 40 CFR 141.82(d), (e), or (h), where the Regional Administrator finds that the following is true:

1) The ~~the~~ Agency has failed to issue a treatment determination by the applicable deadlines contained in Section 611.351 (40 CFR 141.81),

2) The ~~the~~ Agency has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or

3) The ~~the~~ technical aspects of the Agency's determination would be indefensible in an expected federal enforcement action taken against a supplier.

BOARD NOTE: Derived from 40 CFR 141.82 (1999), as amended at 65 Fed. Reg. 2004 (Jan. 12, 2000) ~~(1992)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.354 Lead Service Line Replacement

a) Suppliers required to replace lead service lines.

1) If the results from tap samples taken pursuant to Section 611.356(d)(2) exceed the lead action level after the supplier has installed corrosion control or source water treatment (whichever sampling occurs later), the supplier must ~~shall~~ recommence replacing leading service lines in accordance with the requirements of subsection (b) of this Section below.

2) If a supplier is in violation of Section 611.351 or Section 611.353 for failure to install source water or corrosion control treatment, the Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to commence lead service line replacement under this Section after the date by which the supplier was required to conduct monitoring under Section 611.356(d)(2) has passed.

b) Annual replacement of lead service lines.

1) A supplier required to commence lead service line replacement pursuant to subsection (a) of this Section must ~~above--shall~~ annually replace at least seven ~~7~~ percent of the initial number of lead service lines in its distribution system.

2) The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins.

3) The supplier must ~~shall~~ identify the initial number of lead service lines in its distribution system, including an identification of the portions of the system owned by the supplier, based on a materials evaluation, including the evaluation required under Section 611.356(a) and relevant legal authorities (e.g. contracts, local ordinances) regarding the portion owned by the system.

4) The first year of lead service line replacement must ~~shall~~ begin on the date the supplier exceeded the action level in tap sampling referenced in subsection (a) of this Section above.

c) Service lines not needing replacement. A supplier is not required to replace any individual lead service line for which the lead concentrations in all service line samples taken from that line pursuant to Section 611.356(b)(3) are less than or equal to 0.015 mg/L.

d) A water supplier must replace that portion of the lead service line that it owns. In cases where the supplier does not own the entire lead service line, the supplier must notify the owner of the line, or the owner's authorized agent,that the supplier will replace the portion of the service line that it owns and must offer to replace the owner's portion of the line. A supplier is not required to bear the cost of replacing the privately-owned portion of line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion would be precluded by State, local or common law. A water supplier that does not replace the entire length of the service line also must complete the following tasks:

1) Notice Prior to Commencement of Work.

A) At least 45 days prior to commencing the partial replacement of a lead service line, the water supplier must provide notice to the residents of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to

lead.

B) The Agency, by issuing an appropriate SEP, may allow the water supplier to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where it determines that such replacement is in conjunction with emergency repairs.

C) In addition, the water supplier must inform the residents served by the line that the supplier will, at the supplier's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed by Section 611.356(b)(3), within 72 hours after the completion of the partial replacement of the service line. The supplier must collect the sample and report the results of the analysis to the owner and the residents served by the line within three business days of receiving the results.

D) Mailed notices post-marked within three business days of receiving the results must be considered "on time."

2) The water supplier must provide the information required by subsection (d)(1) of this Section to the residents of individual dwellings by mail or by other methods approved by the Agency by a SEP issued pursuant to Section 611.110. In instances where multi-family dwellings are served by the service line, the water supplier must have the option to post the information at a conspicuous location.

~~d) Replacement of service line.~~

~~1) A supplier required to replace a lead service line pursuant to subsection (a) above shall replace the entire service line (up to the building inlet) unless the Agency determines pursuant to subsection (e) below that the supplier controls less than the entire service line.~~

~~2) Replacement of less than the entire service line.~~

~~A) Where the Agency has determined that the supplier controls less than the entire service line, the supplier shall replace that portion of the line that the Agency determines is under the supplier's control.~~

~~B) The supplier that will replace less than the entire service line shall notify the user served by the line that the supplier will replace that portion of the service line under its control, and the supplier shall offer to replace the remaining portion of the service line that is under the building owner's control.~~

~~C) The supplier required to replace less than the entire service line is not required to bear the cost of replacing any portion of the service line that is under the building owner's control.~~

~~D) Offer to collect samples.~~

~~i) For buildings where only a portion of the lead service line is replaced, the supplier shall inform the resident(s) that the supplier will collect a first draw tap water sample after partial replacement of the service line is completed if the resident(s) so desire.~~

~~ii) In cases where the resident(s) accept the offer, the supplier shall collect the sample and report the results to the resident(s) within 14 days following partial lead service line replacement.~~

~~e) Control of entire service line.~~

~~1) A supplier is presumed to control the entire lead service line (up to the building inlet) unless the supplier demonstrates to the satisfaction of the Agency, in a letter submitted under Section 611.360(e)(4), that it does not have any of the following forms of control over the entire line (as defined by state statutes, municipal ordinances, public service contracts or other applicable legal authority):~~

~~A) authority to set standards for construction, repair, or maintenance of the line;~~

~~B) authority to replace, repair, or maintain the service line; or~~

~~C) ownership of the service line.~~

~~2) Agency determinations.~~

~~A) The Agency shall review the information provided by the supplier and determine the following:~~

~~i) whether the supplier controls less than the entire service line, and~~

~~ii) where the supplier controls less than the entire service line, the Agency shall determine the extent of the supplier's control.~~

~~B) The Agency shall make its determination of the extent of a supplier's control of a service line as a SEP pursuant to Section 611.110, and the Agency shall explain the basis for its determination.~~

~~BOARD NOTE: See Section 611.360(e)(4) and the Board Note that follows. The court in American Water Works Association v. EPA, 40 F.3d 1266 (D.C. Cir. 1994), vacated U.S. EPA's definition of "control" to the extent it would require the supplier to exert "control" over a privately owned service connection. The Board does not intend that the Illinois definition give the State regulations more effect than the federal definition gives the U.S. EPA regulations.~~

~~e~~f) Agency determination of shorter replacement schedule.

1) The Agency must shall, by a SEP issued pursuant to Section 611.110, require a supplier to replace lead service lines on a shorter schedule than that otherwise required by this Section if it determines, taking into account the number of lead service lines in the system, that such a shorter replacement schedule is

feasible.

2) The Agency must ~~shall~~ notify the supplier of its finding pursuant to subsection (e)(1) of this Section ~~(f)(1) above~~ within 6 months after the supplier is triggered into lead service line replacement based on monitoring, as referenced in subsection (a) of this Section ~~above~~.

fg) Cessation of service line replacement.

1) Any supplier may cease replacing lead service lines whenever it fulfills both of the following conditions:

A) First ~~first~~ draw tap samples collected pursuant to Section 611.356(b)(2) meet the lead action level during each of two consecutive six-month monitoring periods and

B) The ~~the~~ supplier has submitted those results to the Agency.

2) If any of the supplier's first draw tap samples thereafter exceed the lead action level, the supplier must ~~shall~~ recommence replacing lead service lines pursuant to subsection (b) of this Section ~~above~~.

gh) To demonstrate compliance with subsections (a) through (d) of this Section ~~above~~, a supplier must ~~shall~~ report to the Agency the information specified in Section 611.360(e).

BOARD NOTE: Derived from 40 CFR 141.84 (1999), as amended at 65 Red. Reg. 2005 (Jan. 12, 2000) ~~(1994)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.355 Public Education and Supplemental Monitoring

A supplier that exceeds the lead action level based on tap water samples collected in accordance with Section 611.356 must ~~shall~~ deliver the public education materials required by subsections (a) and (b) of this Section ~~below~~ in accordance with the requirements of subsection (c) of this Section ~~below~~.

a) Content of written materials.

1) Community water systems. A CWS supplier must ~~shall~~ include the text set forth in ~~Section 611.~~Appendix E of this Part in all of the printed materials it distributes through its lead public education program. A supplier may delete information pertaining to lead service lines, upon approval by the Agency by a SEP issued pursuant to Section 611.110, if no lead service lines exist anywhere in the water system service area. Public education language at paragraphs (4)(B)(5) and (4)(D)(2) of Appendix E of this Part may be modified regarding building permit record availability and consumer access to these records, if approved by the Agency by SEP issued pursuant to Section 611.110. A supplier may also continue to utilize pre-printed materials that meet the public education language requirements in 40 CFR 141.85 (1991). Any additional information presented by a supplier must ~~shall~~ be consistent with the information in ~~Section~~ ~~611.~~Appendix E of this Part and be in plain English that can be understood by lay persons ~~laypersons~~.

BOARD NOTE: At corresponding 40 CFR 141.85 (a)(1) (1999), as amended at 65 Fed. Reg. 2005 (Jan. 12, 2000), USEPA allowed the use of pre-printed copies of the public notices whose content met the requirements of the original lead an copper rule adopted on June 7, 1991 (56 Fed. Reg. 26548). Rather than reference a prior version of this Section of the Illinois rules, the Board has retained the federal reference to the prior requirements in this subsection (a)(1).

2) Non-transient non-community water systems. A NTNCWS must either include the text specified in subsection (a)(1) of this Section or must include the text set forth in Appendix F of this Part in all of the printed materials it distributes through its lead public education program. A water supplier may delete information pertaining to lead service lines upon approval by the Agency by a SEP issued pursuant to Section 611.110 if no lead service lines exist anywhere in the water system service area. Any additional information presented by a supplier must be consistent with the information below and be in plain English that can be understood by lay persons.

b) Content of broadcast materials. A supplier must ~~shall~~ include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcast:

1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for [insert free or $ per sample]. You can contact the [insert the name of the city or supplier] for information on testing and on simple ways to reduce your exposure to lead in drinking water.

2) To have your water tested for lead, or to get more information about this public health concern, please call [insert the phone number of the city or supplier].

c) Delivery of a public education program.

1) In communities where a significant proportion of the population speaks a language other than English, public education materials must ~~shall~~ be communicated in the appropriate languages ~~language(s)~~.

2) A CWS supplier that exceeds the lead action level on the basis of tap water samples collected in accordance with Section 611.356 and which is not already repeating public education tasks pursuant to subsection (c)(3), (c)(7), or (c)(8) of this Section must ~~shall~~, within 60 days do each of the following:

A) Insert ~~insert~~ notices in each customer's water utility bill or disseminate to each customer by separately mailing a notice containing the information required by subsection

(a)(1) of this Section ~~above~~, along with the following alert in large print on the water bill itself: *"some homes in this community have elevated lead levels in their drinking water. Lead can pose a significant risk to your health. Please read the enclosed notice for further information."* A CWS supplier having a billing cycle that does not include a billing within 60 days is exceeding the action level or a CWS supplier that cannot insert information in the water utility bill without making major changes to its billing system may use a separate mailing to deliver the information in subsection (a)(1) of this Section, as long as the information is delivered to each customer within 60 days of exceeding the action level. Such a water supplier must also include the "alert" language specified in this subsection (c)(2)(A);

B) Submit ~~submit~~ the information required by subsection (a)(1) of this Section ~~above~~ to the editorial departments of the major daily and weekly newspapers circulated throughout the community;

C) Deliver ~~deliver~~ pamphlets or brochures that contain the public education materials in ~~subsections~~ paragraphs ~~(a)~~(2) and ~~(a)~~(4) of Appendix E of this Part ~~above~~ to facilities and organizations, including the following;

i) Public ~~public~~ schools or local school boards;

ii) The ~~the~~ city or county health department;

iii) Women, Infants, and Children (WIC) and Head Start programs ~~program(s)~~, whenever available;

iv) Public ~~public~~ and private hospitals and clinics;

v) Pediatricians ~~pediatricians~~;

vi) Family ~~family~~ planning clinics; and

vii) Local ~~local~~ welfare agencies; and

D) Submit ~~submit~~ the public service announcement in subsection (b) of this Section ~~above~~ to at least five of the radio and television stations with the largest audiences within the community served by the supplier.

3) A CWS supplier must ~~shall~~ repeat the tasks contained in subsections (c)(2)(A) through (c)(2)(D) of this Section ~~above~~ for as long as the supplier exceeds the lead action level, at the following minimum frequency:

A) Those ~~those~~ of subsections (c)(2)(A) through (c)(2)(C) of this Section ~~above~~: every 12 months, and

B) Those ~~those~~ of subsection (c)(2)(D) of this Section ~~above~~ every six 6 months.

4) Within 60 days after it exceeds the lead action level (unless it already is repeating public education tasks pursuant to subsection (c)(5) of this Section), a NTNCWS supplier must ~~shall~~ deliver the public education materials contained in Appendix E or F of this Part, ~~Section--611.Appendix--E(1),--(2),--and--(4)~~ as

follows:

A) Post ~~post~~ informational posters on lead in drinking water in a public place or common area in each of the buildings served by the supplier; and

B) Distribute ~~distribute~~ informational pamphlets or brochures on lead in drinking water to each person served by the NTNCWS supplier. The Agency may, by a SEP granted pursuant to Section 611.110., allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

5) A NTNCWS supplier must ~~shall~~ repeat the tasks contained in subsection (c)(4) of this Section ~~above~~ at least once during each calendar year in which the supplier exceeds the lead action level.

6) A supplier may discontinue delivery of public education materials after it has met the lead action level during the most recent six-month monitoring period conducted pursuant to Section 611.356. Such a supplier must ~~shall~~ begin public education anew in accordance with this Section if it subsequently exceeds the lead action level during any six-month monitoring period.

7) A CWS supplier may apply to the Agency, in writing, to use the text specified in Appendix F of this Part in lieu of the text in Appendix E of this Part and to perform the tasks listed in subsections (c)(4) and (c)(5) of this Section in lieu of the tasks in subsections (c)(2) and (c)(3) of this Section if:

A) The supplier is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

B) The system provides water as part of the cost of services provided, and it does not separately charge for water consumption.

8) Reduced requirements for certain smaller CWS suppliers.

A) A CWS supplier serving 3,300 or fewer people may omit the task contained in subsection (c)(2)(S) of this Section. As long as it distributes notices containing the information contained in Appendix E of this Part to every household served by the system, such a supplier may further limit its public education program as follows:

i) A supplier serving 500 or fewer people may forego the task contained in subsection (c)(2)(B) of this Section. Such a system may limit the distribution of the public education materials required under subsection (c)(2)(C) of this Section to facilities and organizations served by the supplier that are most likely to be visited regularly by pregnant woman and children, unless it is notified by the Agency in writing that it must make a broader distribution.

ii) If approved by the Agency by a SEP issued pursuant to Section 611.110, a system serving 501 to 3,300 people may omit the task in subsection (c)(2)(B) of this Section or limit the distribution of the public education materials required under subsection (c)(2)(C) of this Section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

B) A CWS supplier serving 3,300 or fewer people that delivers public education in accordance with subsection (c)(8)(A) of this Section must repeat the required public education tasks at least once during each calendar year in which the supplier exceeds the lead action level.

d) Supplemental monitoring and notification of results. A supplier that fails to meet the lead action level on the basis of tap samples collected in accordance with Section 611.356 must ~~shall~~ offer to sample the tap water of any customer who requests it. The supplier is not required to pay for collecting or analyzing the sample, nor is the supplier required to collect and analyze the sample itself.

BOARD NOTE: Derived from 40 CFR 141.85 (1999), as amended at 65 Fed. Reg. 2005 (Jan. 12, 2000) ~~(1992)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.356 Tap Water Monitoring for Lead and Copper

a) Sample site location.

1) Selecting a pool of targeted sampling sites.

A) By the applicable date for commencement of monitoring under subsection (d)(1) of this Section ~~below~~, each supplier must ~~shall~~ complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this Section.

B) The pool of targeted sampling sites must be sufficiently large to ensure that the supplier can collect the number of lead and copper tap samples required by subsection (c) of this Section ~~below~~.

C) The supplier must shall select the sites for collection of first draw samples from this pool of targeted sampling sites.

D) The supplier must ~~shall~~ not select as sampling sites any faucets that have point-of-use or point-of-entry treatment devices designed to remove or capable of removing inorganic contaminants.

2) Materials evaluation.

A) A supplier must ~~shall~~ use the information on lead, copper, and galvanized steel collected pursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.

B) When an evaluation of the information collected pursuant to 40 CFR 141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subsection (a) of this Section ~~above~~, the supplier must ~~shall~~ review the following sources of information in order to identify a sufficient number of sampling sites:

i) All ~~all~~ plumbing codes, permits, and records in the files of the building departments ~~department(s)~~ that indicate the plumbing materials that are installed within publicly- and privately-owned structures connected to the distribution system;

ii) All ~~all~~ inspections and records of the distribution system that indicate the material composition of the service connections which connect a structure to the distribution system;

iii) All ~~all~~ existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and

iv) The ~~the~~ supplier must ~~shall~~ seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).

3) Tiers of sampling sites. Suppliers must ~~shall~~ categorize the sampling sites within their pool according to the following tiers:

A) CWS Tier 1 sampling sites. "CWS Tier 1 sampling sites" must ~~shall~~ include the following single-family structures:

i) Those ~~those~~ that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or

ii) Those ~~those~~ that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(A) was derived from segments of 40 CFR 141.86(a)(3) (1999). This allows the pool of CWS tier 1 sampling sites to consist exclusively of structures served by lead service lines.

B) CWS Tier 2 sampling sites. "CWS Tier 2 sampling sites" must ~~shall~~ include the following buildings, including multiple-family structures:

i) Those ~~those~~ that contain copper pipes with lead solder installed after 1982 or contain lead pipes; or

ii) Those ~~those~~ that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(B) was derived from segments of 40 CFR 141.86(a)(4) (1999). This allows the pool of CWS tier 2 sampling sites to consist exclusively of structures served by lead service lines.

C) CWS Tier 3 sampling sites. "CWS Tier 3 sampling sites" must ~~shall~~ include the following single-family structures: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(c) was derived from segments of 40 CFR 141.86(a)(5) (1999).

D) NTNCWS Tier 1 sampling sites. "NTNCWS Tier 1 sampling sites" must ~~shall~~ include the following buildings:

i) Those ~~those~~ that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or

ii) Those ~~those~~ that are served by a lead service line.

BOARD NOTE: Subsection (a)(3)(D) was derived from segments of 40 CFR 141.86(a)(6) (1999). This allows the pool of NTNCWS tier 1 sampling sites to consist exclusively of buildings served by lead service lines.

E) Alternative NTNCWS sampling sites. "Alternative NTNCWS sampling sites" must~~shall~~ include the following buildings: those that contain copper pipes with lead solder installed before 1983.

BOARD NOTE: Subsection (a)(3)(E) was derived from segments of 40 CFR 141.86(a)(7) (1999).

4) Selection of sampling sites. Suppliers must ~~shall~~ select sampling sites for their sampling pool as follows:

A) CWS Suppliers. CWS Suppliers must ~~shall~~ use CWS tier 1 sampling sites, except that the supplier may include CWS tier 2 or CWS tier 3 sampling sites in its sampling pool as follows:

i) If multiple-family residences comprise at least 20 percent of the structures served by a supplier, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(i) was derived from a segment of 40 CFR 141.86(a)(3)(ii) (1999).

ii) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites on its distribution system, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

BOARD NOTE: Subsection (a)(4)(A)(ii) was derived from a segment of 40 CFR 141.86(a)(4) (1999).

iii) If ~~fewer than 20 percent of the structures served by the supplier are multiple family residences, and~~ the CWS supplier has an insufficient number of CWS tier 1 and CWS tier 2 sampling sites on its distribution system, the supplier may complete its sampling pool with CWS tier 3 sampling sites.

BOARD NOTE: Subsection (a)(4)(A)(iii) was derived from a segment of 40 CFR 141.86(a)(5) (1999).

iv) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites, the supplier must ~~shall~~ use those CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites that it has~~,~~ and complete its sampling ~~the supplier shall randomly select an additional~~ pool with ~~of~~ representative sites throughout ~~on~~ its distribution system for the balance of its sampling sites. For the purpose of this subsection (a)(4)(A)(iv), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

BOARD NOTE: Subsection (a)(4)(A)(iv) was derived from a segment of 40 CFR 141.86(a)(5) (1999), as amended at 65 Fed. Reg. 2007 (Jan. 12, 2000).

B) NTNCWS suppliers.

i) An NTNCWS supplier must ~~shall~~ select NTNCWS tier 1 sampling sites for its sampling pool~~.~~ ~~, except if~~

BOARD NOTE: Subsection (a)(4)(B)(i) was derived from segments of 40 CFR 141.86(a)(6) (1999).

ii) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites, the supplier may complete its sampling pool with alternative NTNCWS sampling sites.

BOARD NOTE: Subsection (a)(4)(B)(ii) was derived from segments of 40 CFR 141.86(a)(7) (1999).

iii~~ii~~) If the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites and NTNCWS alternative sampling sites, the supplier must ~~shall~~ use ~~those NTNCWS tier 1 sampling sites and NTNCWS alternative sampling sites that it has, and the supplier shall randomly select an additional pool of~~ representative sites throughout its distribution system ~~for the balance of its sampling sites~~. For the purpose of this subsection (a)(4)(B)(ii), a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

BOARD NOTE: Subsection (a)(4)(B)(iii) was derived from segments of 40 CFR 141.86(a)(6) (1999), as amended at 65 Fed. Reg. 2007 (Jan. 12, 2000).

~~C) Agency submission by suppliers with an insufficient number of CWS or NTNCWS tier 1 sampling sites.~~

~~i) Any CWS or NTNCWS supplier whose sampling pool does not include a sufficient number of sites to consist exclusively of CWS tier 1 sampling sites or NTNCWS tier 1 sampling sites, as appropriate, shall submit a letter to the Agency under Section 611.360(a)(2) that demonstrates why a review of the information listed in subsection (a)(2) above was inadequate to locate a sufficient number of CWS tier 1 sampling sites or NTNCWS tier 1 sampling sites.~~

~~ii) Any CWS supplier that wants to include CWS tier 3 sampling sites in its sampling pool shall demonstrate in a letter to the Agency why it was unable to locate a sufficient number of CWS tier 1 sampling sites and CWS tier 2 sampling sites.~~

~~iii) If the Agency determines, based on the information submitted pursuant to subsection (a)(4)(C)(i) or (a)(4)(C)(ii) above, that either the information was inadequate to locate a sufficient number of CWS tier 1 sampling sites or NTNCWS tier 1 sampling sites, or that the supplier was unable to locate a sufficient number of CWS tier 1 sampling sites and CWS tier 2 sampling sites, the Agency shall issue a SEP to the supplier pursuant to Section 611.1110 that allows it to use CWS tier 2 sampling sites, NTNCWS tier 2 sampling sites, or CWS tier 3 sampling sites, as appropriate.~~

C~~B~~) Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines must ~~shall~~ draw samples during each six-month monitoring period from sampling sites as follows:

i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder, and

ii) 50 percent of those samples from sites served by a lead service line.

iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line must collect first-draw samples from all of the sites identified as being served by such lines ~~shall demonstrate in a letter to the Agency under Section 611.360(a)(4) that it was unable to locate a sufficient number of such sites.~~

~~iv) If the Agency determines, based on the information submitted pursuant to subsection (a)(4)(B)(iii) above, that a supplier that cannot identify a sufficient number of sampling sites served by a lead service line, the Agency shall issue a SEP to the supplier pursuant to Section 611.1110 that allows it to collect first-draw samples from all of the sites on its distribution system identified as being served by such lines.~~

BOARD NOTE: Subsection (a)(4)(C) was derived from segments of 40 CFR 141.86(a)(8) (1999), as renumbered and amended at 65 Fed. Reg. 2007 (Jan. 12, 2000). This allows the pool of sampling sites to consist exclusively of structures or buildings served by lead service lines.

b) Sample collection methods.

1) All tap samples for lead and copper collected in accordance with this Subpart, with the exception of lead service line samples collected under Section 611.354(c) and samples collected under subsection (b)(5) of this Section, must ~~shall~~ be first-draw samples.

2) First-draw tap samples.

A) Each first-draw tap sample for lead and copper must ~~shall~~ be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours.

B) First-draw samples from residential housing must ~~shall~~ be collected from the cold water kitchen tap or bathroom sink tap.

C) First-draw samples from a non-residential building must ~~shall~~ be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

D) Non-first-draw samples collected in lieu of first-draw samples pursuant to subsection (b)(5) of this Section must be one liter in volume and must be collected at an interior tap from which water is typically drawn for consumption.

E~~B~~) First-draw samples may be collected by the supplier or the supplier may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this subsection (b).

i) To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected.

ii) After acidification to resolubilize the metals, ~~If the first-draw sample is not acidified immediately after collection, then~~ the sample must stand in the original container for the time specified in the approved USEPA method before the sample can be analyzed ~~at least 28 hours after acidification~~.

F~~B~~) If a supplier allows residents to perform sampling under subsection (b)(2)(D) of this Section ~~above~~, the supplier may not challenge the accuracy of sampling results based on alleged errors in sample collection.

3) Service line samples.

A) Each service line sample must ~~shall~~ be one liter in volume and have stood motionless in the lead service line for at least six hours.

B) Lead service line samples must ~~shall~~ be collected in one of the following three ways:

i) At ~~at~~ the tap after flushing that volume of water calculated as being between the tap and the lead service line based on the interior diameter and length of the pipe between the tap and the lead service line;

ii) Tapping ~~tapping~~ directly into the lead service line; or

iii) If ~~if~~ the sampling site is a single-family structure, allowing the water to run until there is a significant change in temperature that would be indicative of water that has been standing in the lead service line.

4) Follow-up first-draw tap samples.

A) A supplier must ~~shall~~ collect each follow-up first-draw tap sample from the same sampling site from which it collected the previous samples ~~sample(s)~~.

B) If, for any reason, the supplier cannot gain entry to a sampling site in order to collect a follow-up tap sample, the supplier may collect the follow-up tap sample from another sampling site in its sampling pool, as long as the new site meets the same targeting criteria and is within reasonable proximity of the original site.

5) Substitute non-first-draw samples.

A) A NTNCWS supplier or a CWS supplier that meets the criteria of Sections 611.355(c)(7)(A) and (c)(7)(B), that does not have enough taps that can supply first-draw samples, as defined in Section 611.102. may apply to the Agency in writing to substitute non-first-draw samples by a SEP granted under Section 611.110.

B) A supplier approved to substitute non-first-draw samples must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites.

C) The Agency may grant a SEP that waives the requirement for prior Agency approval of non-first-draw sample sites selected by the system.

c) Number of samples

1) Suppliers must ~~shall~~ collect at least one sample from the number of sites listed in the first column of ~~Section~~ 611.Table D of this Part (labelled "standard monitoring") during each six-month monitoring period specified in subsection (d) of this Section ~~below~~.

2) A supplier conducting reduced monitoring pursuant to subsection (d)(4) of this Section ~~below~~ may collect one sample from the number of sites specified in the second column of ~~Section~~ 611.Table D of this Part (labelled "reduced monitoring") during each reduced monitoring period specified in subsection (d)(4) of this Section ~~below~~. Such reduced monitoring sites must be representative of the sites required for standard monitoring. The Agency may, by a SEP issued pursuant to Section 611.110, specify sampling locations when a system is conducting reduced monitoring.

d) Timing of monitoring

1) Initial tap sampling.

The first six-month monitoring period for small, medium-sized and large system suppliers must ~~shall~~ begin on the dates specified in ~~Section~~ 611.Table E of this Part.

A) All large system suppliers must ~~shall~~ monitor during each of two consecutive six-month periods.

B) All small and medium-sized system suppliers must ~~shall~~ monitor during each consecutive six-month monitoring period until the following is true:

i) The ~~the~~ supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier must ~~shall~~ continue monitoring in accordance with subsection (d)(2) of this Section ~~below~~, or

ii) The ~~the~~ supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4) of this Section ~~below~~.

2) Monitoring after installation of corrosion control and source water treatment.

A) Any large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must ~~shall~~ monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(d)(5).

B) Any small or medium-sized system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must ~~shall~~ monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(e)(6).

C) Any supplier that installs source water treatment pursuant to Section 611.353(a)(3) must ~~shall~~ monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.353(a)(4).

3) Monitoring after the Agency specification of water quality parameter values for optimal corrosion control.

After the Agency specifies the values for water quality control

parameters pursuant to Section 611.352(f), the supplier must ~~shall~~ monitor during each subsequent six-month monitoring period, with the first six-month monitoring period to begin on the date the Agency specifies the optimal values.

4) Reduced monitoring.

A) Reduction to annual for small and medium-sized system suppliers meeting the lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subsection (c) of this Section ~~above~~, and reduce the frequency of sampling to once per year.

B) SEP allowing reduction to annual for suppliers maintaining water quality control parameters.

i) Any ~~The--Agency--shall,--by-a-SEP-granted-pursuant-to-Section-611.110,-allow-any~~ supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f) during each of two consecutive six-month monitoring periods may ~~to~~ reduce the frequency of monitoring to once per year ~~annual~~ and the numbered of lead and copper samples to that specified by subsection (c) above if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110 ~~determines--that--a--supplier--has,-during--each--of--two-consecutive-six-month-monitoring-periods,-maintained-the-range-of-values-for-the--water-quality---control--parameters--specified--pursuant--to-Section-611.352(f)--as--reflecting--optimal--corrosion-control-treatment~~.

ii) The Agency must review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section 611.360, and must notify the system in writing by a SEP granted pursuant to Sections 611.110 when it determines the system is eligible to commence reduced monitoring pursuant to this subsection (d)(4) ~~Any-supplier-may-request-a--SEP-if--it--concurrently--provides--the--Agency--with--the-information-necessary-to-support-a-determination-under-subsection-(d)(4)(B)(i)-above~~.

~~iii) The---Agency---shall--set--forth--the--basis--for--its-determination-under-subsection-(d)(4)(B)(i)-above.~~

iii~~iv~~) The Agency must ~~shall,-by-a-SEP-issued--pursuant--to-Section-611.110,~~ review, and where appropriate, revise its determination under subsection (d)(4)(B)(i) of this Section ~~above--determination~~ when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

C) Reduction to triennial for small and medium-sized system suppliers.

i) Small and medium-sized system suppliers meeting lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.

ii) SEP for suppliers meeting optimal corrosion control treatment. Any ~~The--Agency--shall,-by-a-SEP-granted-pursuant-to-Section-611.110,--allow--a~~ supplier that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Agency under Section 61.352(f) during three consecutive years of monitoring may ~~to~~ reduce its monitoring frequency of monitoring from annual to once every three years ~~triennial~~ if it receives written approval from the Agency in the form of a SEP granted pursuant to Section 611.110 ~~determines-that-the-supplier,-during-each-of-these-consecutive--years--of--monitoring,--has-maintained--the--range-of-values-for-the-water-quality-control-parameters-specified-as--representing--optimal-corrosion---control---treatment--pursuant--to--Section-611.352(f),--Any-supplier-may--request--a--SEP--if--it-concurrently--provides-the-Agency-with-the-information-necessary--to--support--a--determination--under---this-subsection.---The-Agency-shall-set-forth-the-basis-for-its-determination.~~

iii) The Agency must ~~shall,-by-a--SEP--issued--pursuant--to-Section-611.110,~~ review, and where appropriate, revise its determination under subsection (d)(4)(C)(ii) of this Section when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

D) Sampling at a reduced frequency. A supplier that reduces the number and frequency of sampling must ~~shall~~ collect these samples from representative sites included in the pool of targeted sampling sites identified in subsection (a) of this Section ~~above~~, preferentially selecting those sampling sites from the highest tier first. Suppliers sampling annually or less frequently must ~~shall~~ conduct the lead and copper tap sampling during the months of June, July, August, or September unless the Agency has approved a different

sampling period in accordance with subsection (d)(4)(D)(i) of this Section.

i) The Agency may grant a SEP pursuant to Section 611.110 that approves a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period must be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a NTNCWS supplier that does nor operate during the months of June through September and for which the periods of normal operation where the highest levels of lead are most likely to occur is not known, the Agency must designate a period that represents a time of normal operation for the system.

ii) A supplier monitoring annually that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collection period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 21 months after the previous round of sampling. A supplier monitoring once every three years that has been collecting samples during the month of June through September and which receives Agency approval to alter the sampling collection period as provided in subsection (d)(4)(D)(i) of this Section must collect its next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or once every three years, as required by this Section. A small system supplier with a waiver granted pursuant to subsection (g) of this Section that has been collecting samples during the months of June through September and which receives Agency approval to alter its sample collecting period under subsection (d)(4)(D)(i) of this Section must collect its next round of samples before the end of the nine-year compliance cycle (as that term is defined in Section 611.101).

E) Any water system that demonstrates for two consecutive six-nonth monitoring periods that the tap water lead level computed under Section 611.350(c)(3) is less than or equal to 0.005 mg/L and that the tap water copper level computed under Section 611.350(c)(3) is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with subsection (c) of this Section and reduce the frequency of

sampling to once every three calendar years.

FE) Resumption of standard monitoring.

i) Small or medium-sized suppliers exceeding lead or copper action level. A small or medium-sized system supplier subject to reduced monitoring that exceeds the lead action level or the copper action level must ~~shall~~ resume sampling in accordance subsection (d)(3) of this Section **above** and collect the number of samples specified for standard monitoring under subsection (c) of this Section **above**. Such a supplier must ~~shall~~ also conduct water quality parameter monitoring in accordance with Section 611.357 (b), (c), or (d) (as appropriate) during the six-month monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of subsection (d)(4)(A) of this Section or may resume monitoring once every three years for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section.

ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.357(d) must conduct ~~shall~~ **resume** tap water sampling for more than nine days in any six-month period specified in Section 611.357(d) in accordance with subsection (d)(3) of this Section **above** must **and** collect the number of samples specified for standard monitoring under subsection (c) of this Section, and must resume monitoring for water quality parameters within the distribution system in accordance with Section 611.357(d) **above**.

G) Any water supplier subject to a reduced monitoring frequency under subsection (d)(4) of this Section that either adds a new source of water or changes any water treatment must inform the Agency in writing in accordance with Section 611.360(a)(3). The Agency may, by a SEP granted pursuant to Section 611.110, require the system to resume sampling in accordance with subsection (d)(3) of this Section and collect the number of samples specified for standard

monitoring under subsection (c) of this Section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

H) A supplier required under subsection (f)(4)(F) of this Section to resume monitoring in accordance with Section 611.357(d) may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

i) The supplier may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subsection (c) of this Section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of subsection (d)(4)(B) of this Section and the supplier has received written approval from the Agency by a SEP pursuant to Section 611.110 that it is appropriate to resume reduced monitoring on an annual frequency.

ii) The supplier may resume monitoring for lead and copper once every three years at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (d)(4)(C) or (d)(4)(E) of this Section and the system has received a SEP under Section 611.110 from the Agency that it is appropriate to resume monitoring once every three years.

iii) The supplier may reduce the number of water quality parameter tap water samples required in accordance with Section 611.357(e)(1) and the frequency with which it collects such samples in accordance with Section 611.357(e)(2). Such a system may not resume monitoring once every three years for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section 611.357(e)(2), that it has re-qualified for monitoring once every three years.

BOARD NOTE: Subsections (d)(4)(H)(i) through (d)(4)(H)(iii) are derived from 40 C.F.R. 141.86 (d)(4)(vi)(B)(1) through (d)(4)(vi)(B)(3) as added at 65 Fed. Req. 2009 (January 12, 2000), since Illinois Administrative Code codification requirements allow only four indent levels of subsections.

e) Additional monitoring. The results of any monitoring conducted in addition to the minimum requirements of this section must ~~shall~~ be considered by the supplier and the Agency in making any determinations (i.e., calculating the 90th percentile lead action level or the copper level) under this Subpart G.

f) Invalidation of lead or copper tap water samples. A sample invalidated under this subsection does not count toward determining lead or copper 90th percentile levels under Section 611.350(c)(3) or toward meeting the minimum monitoring requirements of subsection (c) of this Section.

1) The Agency must invalidate a lead or copper tap water sample if it determines that one of the following conditions exists:

A) The laboratory establishes that improper sample analysis caused erroneous results;

B) The sample was taken from a site that did not meet the site selection criteria of this Section;

C) The sample container was damaged in transit; or

D) There is substantial reason to believe that the sample was subject to tampering.

2) The supplier must report the results of all samples to the Agency and all supporting documentation for samples the supplier believes should be invalidated.

3) To invalidate a sample under subsection (f)(1) of this Section, the decision and the rationale for the decision must be documented in writing. The Agency may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

4) The water supplier must collect replacement samples for any samples invalidated under this Section if, after the invalidation of one or more samples, the supplier has too few samples to meet the minimum requirements of subsection (c) of this Section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Agency invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period must not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples must be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

g) Monitoring waivers for small system suppliers. Any small system supplier that meets the criteria of this subsection (g) may apply to the Agency to reduce the frequency of monitoring for lead and copper under this Section to once every nine years (i.e., a "full waiver") if it meets all of the materials criteria specified in subsection (g)(1) of this Section and all of the monitoring criteria specified in subsection (g)(2) of this Section. Any small system supplier that meets the criteria in subsections (g)(1) and (g)(2) of this Section only for lead, or only for copper, may apply to the State for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").

1) Materials criteria. The supplier must demonstrate that its

distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials or copper-containing materials, as those terms are defined in this subsection (g)(1), as follows:

A) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system is free of all lead-containing materials, as follows:

i) It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and

ii) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of NSF Standard 61, Section 9, incorporated by reference in Section 611.102.

BOARD NOTE: Corresponding 40 CFR 141.86(g)(1)(i)(B) specifies "any standard established pursuant to 42 U.S.C. 300g-6(e) (SDWA Section 1417(e))." USEPA has stated that the NSF standard is that standard. See 62 Fed. Reg. 44684 (Aug. 22, 1997).

B) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a "copper waiver"), the water supplier must provide certification and supporting documentation to the Agency that the system contains no copper pipes or copper service lines.

2) Monitoring criteria for waiver issuance. The supplier must have completed at least one six-month round of standard tap water monitoring for lead and copper at sites approved by the Agency and from the number of sites required by subsection (c) of this Section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria:

A) Lead levels. To qualify for a full waiver, or a lead waiver, the supplier must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

B) Copper levels. To qualify for a full waiver, or a copper waiver, the supplier must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

3) State approval of waiver application. The Agency must notify the supplier of its waiver determination by a SEP issued pursuant to Section 611.110, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Agency may require the supplier to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system supplier must continue monitoring for lead and copper at the tap as required by subsections (d)(1) through (d)(4) of this Section, as appropriate, until it receives written notification from the Agency that the waiver has been approved.

4) Monitoring frequency for suppliers with waivers.

A) A supplier with a full waiver must conduct tap water monitoring for lead and copper in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites identified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section for both lead and copper to the Agency along with the monitoring results.

B) A supplier with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with subsection (d)(4)(D) of this Section at the reduced number of sampling sites specified in subsection (c) of this Section at least once every nine years and provide the materials certification specified in subsection (g)(1) of this Section pertaining to the waived contaminant along with the monitoring results. Such a supplier also must continue to monitor for the non-waived contaminant in accordance with requirements of subsection (d)(1) through (d)(4) of this Section, as appropriate.

C) If a supplier with a full or partial waiver adds a new source of water or changes any water treatment, the supplier must notify the Agency in writing in accordance with Section 611.360(a)(3). The Agency has the authority to require the supplier to add or modify waiver conditions (e.g., require recertification that the supplier's system is free of lead-containing or copper-containing materials, require additional rounds of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

D) If a supplier with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the supplier must notify the Agency in writing no later than 60 days after becoming aware of such a change.

5) Continued eligibility. If the supplier continues to satisfy the requirements of subsection (g)(4) of this Section, the waiver will be renewed automatically, unless any of the conditions

listed in subsection (q)(5)(A) through (q)(5)(C) of this Section occurs. A supplier whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of subsections (q)(1) and (q)(2) of this Section.

A) A supplier with a full waiver or a lead waiver no longer satisfies the materials criteria of subsection (q)(1)(A) of this Section or has a 90th percentile lead level greater than 0.005 mg/L.

B) A supplier with a full waiver or a copper waiver no longer satisfies the materials criteria of subsection (q)(1)(B) of this Section or has a 90th percentile copper level greater than 0.65 mg/L.

C) The State notifies the supplier, in writing, that the waiver has been revoked, setting forth the basis of its decision.

6) Requirements following waiver revocation. A supplier whose full or partial waiver has been revoked by the Agency is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

A) If the supplier exceeds the lead or copper action level, the supplier must implement corrosion control treatment in accordance with the deadlines specified in Section 611.351(e), and any other applicable requirements of this Subpart G of this Part.

B) If the supplier meets both the lead and the copper action level, the supplier must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in subsection (c) of this Section.

7) Pre-existing waivers. Small system supplier waivers approved by the Agency in writing prior to April 11, 2000 must remain in effect under the following conditions:

BOARD NOTE: Corresponding 40 CFR 141.86(g)(7) sets forth the April 11, 2000 date. The Board has retained that date to maintain consistency with the federal requirements, despite the fact that this subsection (q)(7) became effective after that date.

A) If the supplier has demonstrated that it is both free of lead-containing and copper-containing materials, as required by subsection (q)(1) of this Section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of subsection (q)(2) of this Section, the waiver remains in effect so long as the supplier continues to meet the waiver eligibility criteria of subsection (q)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (q)(4) of this Section must be completed no later than nine years after the last time the supplier has monitored for lead and copper at the tap.

B) If the supplier has met the materials criteria of subsection (q)(1) of this Section but has not met the monitoring criteria of subsection (q)(2) of this Section, the supplier must conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of subsection (q)(2) of this Section no later than September 30, 2000. Thereafter, the waiver must remain in effect as long as the supplier meets the continued eligibility criteria of subsection (q)(5) of this Section. The first round of tap water monitoring conducted pursuant to subsection (q)(4) of this Section must be completed no later than nine years after the round of monitoring conducted pursuant to subsection (q)(2) of this Section.

BOARD NOTE: Corresponding 40 CFR 141.86(g)(7)(ii) sets forth the September 30, 2000 date. The Board has retained that date to maintain consistency with the federal requirements, despite the fact that this subsection (q)(7)(B) became effective after that date.

BOARD NOTE: Derived from 40 CFR 141.86 (1999), as amended at 65 Fed. Reg. 2007 (Jan. 12, 2000)~~(1993)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.357 Monitoring for Water Quality Parameters

All large system suppliers, and all small and medium-sized system suppliers that exceed the lead action level or the copper action level, must ~~shall~~ monitor water quality parameters in addition to lead and copper in accordance with this Section. The requirements of this Section are summarized in ~~Section 611~~ Table G of this Part.

a) General Requirements

1) Sample collection methods

A) Use of tap samples. The totality of all tap samples collected by a supplier must ~~shall~~ be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to Subpart L of this Part, it is not required to do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).

B) Use of entry point samples. Each supplier must ~~shall~~ collect samples at entry points ~~point(s)~~ to the distribution system from locations representative of each source after

treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

2) Number of samples

A) Tap samples. Each supplier must ~~shall~~ collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) of this Section ~~below~~ from the number of sites indicated in the first column of ~~Section 611.~~Table E of this Part.

B) Entry point samples.

i) Initial monitoring. Except as provided in subsection (c)(3) of this Section ~~Each~~ supplier must ~~shall~~ collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) of this Section ~~below~~.

ii) Subsequent monitoring. Each supplier must ~~shall~~ collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) of this Section ~~below~~.

b) Initial Sampling.

1) Large systems. Each large system supplier must ~~shall~~ measure the applicable water quality parameters specified in subsection (b)(3) of this Section ~~below~~ at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).

2) Small and medium-sized systems. Each small and medium-sized system supplier must ~~shall~~ measure the applicable water quality parameters specified in subsection (b)(3) of this Section ~~below~~ at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.

3) Water quality parameters:

A) pH;

B) Alkalinity ~~alkalinity~~;

C) Orthophosphate ~~orthophosphate~~, when an inhibitor containing a phosphate compound is used;

D) Silica ~~silica~~, when an inhibitor containing a silicate compound is used;

E) Calcium ~~calcium~~;

F) Conductivity ~~conductivity~~; and

G) Water ~~water~~ temperature.

c) Monitoring after installation of corrosion control.

1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) must ~~shall~~ measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) ~~(c)(3)~~ and (c)(5) of this Section ~~(c)(4)--below~~ during each six-month monitoring period specified in Section 611.356(d)(2)(A).

2) Small and medium-sized systems. Except as provided in subsection (c)(3) of this Section, each ~~Each~~ small or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) must ~~shall~~ measure the water quality parameters at the locations and frequencies specified in subsections (c)(4) ~~(c)(3)~~ and (c)(5) ~~(c)(4)~~ of this Section ~~below~~ during each six-month monitoring period specified in Section 611.356(d)(2)(B) in which the supplier exceeds the lead action level or the copper action level.

3) Any ground water system can limit entry point sampling described in subsection (c)(2) of this Section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this subsection, the system must provide to the Agency written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

43) Tap water samples, two samples at each tap for each of the following watered quality parameters:

A) pH;

B) Alkalinity ~~alkalinity~~;

C) Orthophosphate ~~orthophosphate~~, when an inhibitor containing a phosphate compound is used;

D) Silica ~~silica~~, when an inhibitor containing a silicate compound is used; and

E) Calcium ~~calcium~~, when calcium carbonate stabilization is used as part of corrosion control.

54) Entry point samples, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:

A) pH;

B) When ~~when~~ alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and

C) When ~~when~~ a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.

1) Large systems. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier must ~~shall~~ measure the applicable water quality parameters in accordance with subsection (c) of this Section ~~above during each six month monitoring period specified in Section 611.356(d)(3)~~ and determine compliance with the requirements of Section 611.352(g) every six months with the first six-month period to begin on the date the State specifies the optimal values under Section 611.352(f).

2) Small and medium-sized systems. Each small or medium-sized system supplier must ~~shall~~ conduct such monitoring during each six-month monitoring period specified in this subsection (d) ~~Section 611.356(d)(3)~~ in which the supplier exceeds the lead action level or the copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to Section 611.356(d)(4) at the time of the action level exceedance, the end of the applicable six-month period under this subsection must coincide with the end of the applicable monitoring period under Section 611.356(d)(4).

3) Compliance with Agency-designated optimal water quality parameter values must be determined as specified under Section 611.352(g)

~~3) Confirmation sampling.~~

~~A) A supplier may take a confirmation sample for any water quality parameter value no later than 3 days after it took the original sample it seeks to confirm.~~

~~B) If a supplier takes a confirmation sample, it must average the result obtained from the confirmation sample with the result obtained from the original sample it seeks to confirm, and the supplier shall use the average of these two results for any compliance determinations under Section 611.352(g).~~

~~C) The Agency shall delete the results that it determines are due to obvious sampling errors from this calculation.~~

e) Reduced monitoring.

1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) of this Section above must ~~shall~~ continue monitoring at the entry points ~~point(s)~~ to the distribution system as specified in subsection (c)(4) of this Section above. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of ~~Section 611.~~Table E of this Part during each subsequent six-month monitoring period.

2) Reduction in monitoring frequency.

A) Staged reductions in monitoring frequency ~~Stages of reductions~~.

i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section above from every six months to annually.

ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) of this Section above may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section above from annually to once every three years.

B) A water supplier may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in subsection (e)(1) of this Section to every three years if it demonstrates the following during two consecutive monitoring periods:

i) That its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in Section 611.359(a)(1)(B),

ii) That its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in Section 611.350(c)(2), and

iii) That it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Agency under Section 611.352(f).

~~B) A supplier that conducts sampling annually or every three years shall collect these samples evenly throughout the calendar year so as to reflect seasonal variability.~~

3) A supplier that conducts sampling annually or every three years must collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

4) Any supplier subject to a reduced monitoring frequency pursuant

to this subsection that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified pursuant to Section 611.352(f) for more than nine days in any six-month period specified in Section 611.352(g) must resume tap water sampling in accordance with the number and frequency requirements of subsection (d) of this Section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in subsection (e)(1) of this Section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of that subsection or may resume monitoring once every three years for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either subsection (e)(2)(A) or (e)(2)(B) of this Section.

~~e) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate within the range of values for the water quality parameters specified pursuant to Section 611.352(f) shall resume tap water sampling in accordance with the number and frequency requirements of subsection (d) above.~~

f) Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of this section must ~~shall~~ be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.
BOARD NOTE: Derived from 40 CFR 141.87 (1999), as amended at 65 Fed. Reg. 2010 (Jan. 12, 2000) ~~(1995)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.358 Monitoring for Lead and Copper in Source Water

a) Sample location, collection methods, and number of samples
1) A supplier that fails to meet the lead action level or the copper action level on the basis of tap samples collected in accordance with Section 611.356 must ~~shall~~ collect lead and copper source water samples in accordance with following ~~sample location, number of samples, and collection method~~ requirements regarding sample location, number of samples, and collection methods: ~~of Section 611.601(a) and (b) (as specified for inorganic chemical contaminants). The timing of sampling for lead and copper shall be in accordance with subsections (b) and (c) below, and not with the dates specified in Section 611.601(a)(1).~~
A) A groundwater supplier must take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment (hereafter

called a sampling point). The supplier must take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

B) A surface water supplier must take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point that is representative of each source after treatment (hereafter called a sampling point). The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
BOARD NOTE: For the purposes of this subsection (a)(1)(B), surface water systems include systems with a combination of surface and ground sources.

C) If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

D) The agency may, by a SEP issued pursuant to Section 611.110, reduce the total number of samples which must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then the supplier must do either of the following:
i) The supplier must take and analyze a follow-up sample within 14 days at each sampling point included in the composite; or
ii) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the supplier may use these instead of resampling.

2) SEP requiring an additional sample
A) When the Agency determines that the results of sampling indicate an exceedance of the lead or copper MPC established under Section 611.353(b)(4), it must ~~shall~~, by a SEP issued pursuant to Section 611.110, require the supplier to collect one additional sample as soon as possible after the initial sample at the same sampling point, but no later than two weeks after the supplier took the initial sample.
B) If a supplier takes an Agency-required confirmation sample for lead or copper, the supplier must ~~shall~~ average the results obtained from the initial sample with the results obtained from the confirmation sample in determining

compliance with the Agency-specified lead and copper MPCs.

i) Any analytical result below the MDL must ~~shall~~ be considered as zero for the purposes of averaging.

ii) Any value above the MDL but below the PQL must ~~shall~~ either be considered as the measured value or be considered one-half the PQL.

b) Monitoring frequency after system exceeds tap water action level. A supplier that exceeds the lead action level or the copper action level in tap sampling shall collect one source water sample from each entry point to the distribution system within six months after the exceedance.

c) Monitoring frequency after installation of source water treatment. A supplier that installs source water treatment pursuant to Section 611.353(a)(3) must ~~shall~~ collect an additional source water sample from each entry point to the distribution system during each of two consecutive six-month monitoring periods on or before the deadline specified in Section 611.353(a)(4).

d) Monitoring frequency after the Agency has specified the lead and copper MPCs or has determined that source water treatment is not needed.

1) A supplier must ~~shall~~ monitor at the frequency specified by subsection (d)(1)(A) or (d)(1)(B) of this Section ~~below~~ where the Agency has specified the MPCs pursuant to Section 611.353(b)(4) or has determined that the supplier is not required to install source water treatment pursuant to Section 611.353(b)(2).

A) GWS suppliers.

i) A GWS supplier required to sample by subsection (d)(1) of this Section ~~above~~ must ~~shall~~ collect samples once during the three-year compliance period (as that term is defined in Section 611.101) during which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

ii) A GWS supplier required to sample by subsection (d)(1) of this Section must ~~above shall~~ collect samples once during each subsequent compliance period.

B) A SWS or mixed system supplier must ~~shall~~ collect samples annually, the first annual monitoring period to begin on the date on which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

2) A supplier is not required to conduct source water sampling for lead or copper if the supplier meets the action level for the specific contaminant in all tap water samples collected during the entire source water sampling period applicable under subsection (d)(1)(A) or (d)(1)(B) of this Section ~~above~~.

e) Reduced monitoring frequency.

1) A GWS supplier that demonstrates ~~that--finished--drinking--water entering--the--distribution--system-has-been-maintained-below-the lead-or-copper-MPC-specified-by-the-Agency--pursuant--to--Section 611.353(b)(4)---during--at--least--three--consecutive--compliance periods-under-subsection-(d)(1)~~ above may reduce the monitoring frequency for lead and ~~or~~ copper in source water ~~,--as appropriate,~~ to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:~~,~~

A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the State in Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) of this Section; or

B) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under subsection (d)(1) of this Section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

2) A SWS or mixed system supplier ~~that demonstrates that finished drinking--water--entering--the--distribution--system---has---been maintained-below-the-lead-and-copper-MPCs-specified-by-the-Agency pursuant--to-Section-611.353(b)(4)-for-at-least-three-consecutive years-under-subsection-(d)(1)-above~~ may reduce the monitoring frequency in subsection (d)(1) of this Section to once during each nine-year compliance cycle (as that term is defined in Section 611.101) if the supplier meets one of the following criteria:~~,~~

A) The supplier demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency under Section 611.353(b)(4) for at least three consecutive years; or

b) The Agency has determined, by a SEP issued pursuant to Section 611.110, that source water treatment is not needed and the supplier demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

3) A supplier that uses a new source of water is not eligible for reduced monitoring for lead or copper until it demonstrates by samples collected from the new source during three consecutive monitoring periods, of the appropriate duration provided by subsection (d)(1) of this Section ~~above~~, that lead or copper concentrations are below the MPC as specified by the Agency pursuant to Section 611.353(a)(4).

BOARD NOTE: Derived from 40 CFR 141.88 (1999), as amended at 65 Fed. Reg. 2012 (Jan. 12, 2000) ~~(1992)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.359 Analytical Methods

Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature must ~~shall~~ be conducted using the methods set forth in Section 611.611(a).

a) Analyses for lead and copper performed for the purposes of compliance with this Subpart must ~~shall~~ only be conducted by laboratories that have been certified by USEPA or the Agency. To obtain certification to conduct analyses for lead and copper, laboratories must do the following:
 1) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Agency; and
 2) Achieve quantitative acceptance limits as follows:
 A) For lead: ±30 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/L (the PQL for lead is 0.005 mg/L);
 B) For copper: ±10 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/L (the PQL for copper is 0.050 mg/L);
 C) Achieve the method detection limit (MDL) for lead (0.001 mg/L, as ~~limits (MDLs)~~ defined in Section 611.350(a)) according to the procedures in 35 Ill. Adm. Code 183 and 40 CFR 136, Appendix B: "Definition and Procedure for the Determination of the Method Detection Limit--Revision 1.11" (1999). This need only be accomplished if the laboratory will be processing source water composite samples under Section 611.358(a)(1)(C); and
 D) Be currently certified by USEPA or the Agency to perform analyses to the specifications described in subsection (a)(2) of this Section.

b) The Agency must ~~shall~~, by a SEP issued pursuant to Section 611.110, allow a supplier to use previously collected monitoring data for the purposes of monitoring under this Subpart if the data were collected and analyzed in accordance with the requirements of this Subpart.

c) Reporting lead and copper levels.
 1) All lead and copper levels greater than or equal to the lead and copper PQL (Pb ≥ 0.005 mg/L and Cu ≥ 0.050 mg/L) must be reported as measured.
 2) All lead and copper levels measured less than the PQL and greater than the MDL (0.005 mg/L > Pb > MDL and 0.050 mg/L > Cu > MDL) must be either reported as measured or as one-half the PQL set forth in subsection (a) of this Section (i.e., reported as 0.0025 mg/L for lead or 0.025 mg/L for copper).
 3) All lead and copper levels below the lead and copper MDL (MDL > Pb) must be reported as zero.

BOARD NOTE: Derived from 40 CFR 141.89 (1999), as amended at 65 Fed. Reg. 2012 (Jan. 12, 2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.360 Reporting

A supplier must ~~shall~~ report all of the following information to the Agency in accordance with this Section.

a) Reporting for tap, lead, and copper, and water quality parameter monitoring.
 1) Except as provided in subsection (a)(1)(viii) of this Section, a ~~A~~ supplier must ~~shall~~ report the following information for all samples specified in Section 611.356 and for all water quality parameter samples specified in Section 611.357 within ten ~~10~~ days of the end of each applicable sampling period specified in Sections 611.356 and 611.357 ~~through 611.358~~ (i.e., every six-months, annually, every three ~~3~~ years, or every nine years).
 A) The ~~the~~ results of all tap samples for lead and copper, including the location of each site and the criteria under Section 611.356(a)(3) through (7) under which the site was selected for the supplier's sampling pool;
 B) Documentation for each tap water lead or copper sample for which the water supplier requests invalidation pursuant to Section 611.356(f)(2); ~~a certification that each first draw sample collected by the supplier was one liter in volume and, to the best of the supplier's knowledge, had stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;~~
 C) This subsection (a)(1)(C) corresponds with 40 CFR 141.89(a)(1)(iii), a provision that USEPA removed and marked "reserved" at 65 Fed. Reg. 2012 (Jan. 12, 2000). This statement preserves structural parity with the federal rules; ~~where residents collected samples, a certification that each tap sample collected by the residents was taken after the supplier informed them of the proper sampling procedures specified in Section 611.356(b)(2);~~
 D) The ~~the~~ 90th percentile lead and copper concentrations measured from among all lead and copper tap samples collected during each sampling period (calculated in accordance with Section 611.350(c)(3)), unless the Agency

calculates the system's 90th percentile lead and copper levels under subsection (h) of this Section;

E) With ~~with~~ the exception of initial tap sampling conducted pursuant to Section 611.356(d)(1), the supplier must ~~shall~~ designate any site that was not sampled during previous sampling periods, and include an explanation of why sampling sites have changed;

F) The ~~the~~ results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected pursuant to Section 611.357(b) through (e);

G) The ~~the~~ results of all samples collected at entry points ~~point(s)~~ for applicable water quality parameters pursuant to Section 611.357(b) through (e).

H) A water supplier must report the results of all water quality parameter samples collected under Section 611.357(c) through (f) during each six-month monitoring period specified in Section 611.357(d) within the first 10 days following the end of the monitoring period, unless the Agency has specified, by a SEP granted pursuant to Section 611.110, a more frequent reporting requirement.

2) For a NTNCWS supplier, or a CWS supplier meeting the criteria of Sections 611.355(c)(7)(A) and (B), that does not have enough taps which can provide first draw samples, the supplier must do either of the following: ~~By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each CWS supplier that does not complete its targeted sampling pool with CWS tier 1 sampling sites meeting the requirements of Section 611.356(a)(4)(A) shall send a letter to the Agency justifying its selection of CWS tier 2 sampling sites or CWS tier 3 sampling sites pursuant to Section 611.356 (a)(4)(A)(ii), (a)(4)(A)(iii), or (a)(4)(A)(iv).~~

A) Provide written documentation to the Agency that identifies standing times and locations for enough non-first-draw samples to make up its sampling pool under Section 611.356(b)(5) by the start of the first applicable monitoring period under Section 611.356(d) that commences after April 11, 2000, unless the Agency has waived prior Agency approval of non-first-draw sample sites selected by the supplier pursuant to Section 611.356(b)(5); or

BOARD NOTE: Corresponding 40 CFR 141.90(a)(2)(i) sets forth the April 11, 2000 date. The Board has retained that date to maintain structural consistency with the federal requirements, despite the fact that this subsection (a)(2)(A) became effective after that date.

B) If the Agency has waived prior approval of non-first-draw sample sites selected by the supplier, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular

substitute sample collected pursuant to Section 611.356(b)(5) and include this information with the lead and copper tap sample results required to be submitted pursuant to subsection (a)(1)(A) of this Section.

3) No later than 60 days after the addition of a new source or any change in water treatment, unless the Agency requires earlier notification, a water supplier deemed to have optimized corrosion control under Section 611.351(b)(3), a water supplier subject to reduced monitoring pursuant to Section 611.356(d)(4), or a water supplier subject to a monitoring waiver pursuant to Section 611.356(g), must send written documentation to the Agency describing the change. In those instances where prior Agency approval of the treatment change or new source is not required, USEPA has stated that it encourages water systems to provide the notification to the Agency beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control. ~~By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each NTNCWS supplier that does not complete its sampling pool with NTNCWS tier 1 sampling sites meeting the requirements of Section 611.356(a)(4)(B) shall send a letter to the Agency justifying its selection of alternative NTNCWS sampling sites pursuant to that Section.~~

4) Any small system supplier applying for a monitoring waiver under Section 611.356(g), or subject to a waiver granted pursuant to Section 611.356(g)(3), must provide the following information to the Agency in writing by the specified deadline: ~~By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each supplier with lead service lines that is not able to locate the number of sites served by such lines required by Section 611.356(a)(4)(B) shall send a letter to the Agency demonstrating why it was unable to locate a sufficient number of such sites based upon the information listed in Section 611.356(a)(2).~~

A) By the start of the first applicable monitoring period in Section 611.356(d), any small water system supplier applying for a monitoring waiver must provide the documentation required to demonstrate that it meets the waiver criteria of Sections 611.356(g)(1) and (g)(2).

B) No later than nine years after the monitoring previously conducted pursuant to Section 611.356(g)(2) or Section 611.356(g)(4)(A), each small system supplier desiring to maintain its monitoring waiver must provide the information required by Sections 611.356(g)(4)(A) and (g)(4)(ii).

C) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper-containing material, as appropriate, each small system supplier with a monitoring waiver must provide written notification to the

Agency, setting forth the circumstances resulting in the lead-containing or copper-containing materials being introduced into the system and what corrective action, if any, the supplier plans to remove these materials.

D) By October 10, 2000, any small system supplier with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of Section 611.356(q)(2) must provide the information required by that subsection.

BOARD NOTE: Corresponding 40 CFR 141.90(a)(2)(iv) sets forth the April 11, 2000 and October 10, 2000 dates. The Board has retained those dates to maintain structural consistency with the federal requirements, despite the fact that this subsection (a)(2)(D) became effective after that date.

5) Each GWS supplier that limits water quality parameter monitoring to a subset of entry points under Section 611.357(c)(3) must provide, by the commencement of such monitoring, written correspondence to the Agency that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system. ~~Each supplier that requests that the Agency grant a SEP that reduces the number and frequency of sampling shall provide the information required by Section 611.356(d)(4).~~

b) Reporting for source water monitoring.

1) A supplier must ~~shall~~ report the sampling results for all source water samples collected in accordance with Section 611.358 within ten ~~10~~ days of the end of each source water sampling period (i.e., annually, per compliance period, per compliance cycle) specified in Section 611.358.

2) With the exception of the first round of source water sampling conducted pursuant to Section 611.358(b), a supplier must ~~shall~~ specify any site that was not sampled during previous sampling periods, and include an explanation of why the sampling point has changed.

c) Reporting for corrosion control treatment.

By the applicable dates under Section 611.351, a supplier must ~~shall~~ report the following information:

1) For ~~for~~ a supplier demonstrating that it has already optimized corrosion control, the information required by Section 611.352(b)(2) or (b)(3).

2) For ~~for~~ a supplier required to optimize corrosion control, its recommendation regarding optimal corrosion control treatment pursuant to Section 611.352(a).

3) For ~~for~~ a supplier required to evaluate the effectiveness of corrosion control treatments pursuant to Section 611.352(c), the information required by Section 611.352(c).

4) For ~~for~~ a supplier required to install optimal corrosion control

approved by the Agency pursuant to Section 611.352(d), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the permitted treatment.

d) Reporting for source water treatment. On or before the applicable dates in Section 611.353, a supplier must ~~shall~~ provide the following information to the Agency:

1) If ~~if~~ required by Section 611.353(b)(1), its recommendation regarding source water treatment; or

2) For ~~for~~ suppliers required to install source water treatment pursuant to Section 611.353(b)(2), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the treatment approved by the Agency within 24 months after the Agency approved the treatment.

e) Reporting for lead service line replacement. A supplier must ~~shall~~ report the following information to the Agency to demonstrate compliance with the requirements of Section 611.354:

1) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), the supplier must ~~shall~~ report each of the following to the Agency in writing:

A) A ~~a~~ demonstration it has conducted a materials evaluation, including the evaluation required by Section 611.356(a),

B) Identify ~~identify~~ the initial number of lead service lines in its distribution system, and

C) Provide ~~provide~~ the Agency with the supplier's schedule for annually replacing at least seven ~~7~~ percent of the initial number of lead service lines in its distribution system.

2) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), and every 12 months thereafter, the supplier must ~~shall~~ demonstrate to the Agency in writing that the supplier has done either of the following:

A) Replaced ~~replaced~~ in the previous 12 months at least seven ~~7~~ percent of the initial number of lead service lines in its distribution system (or any greater number of lines specified by the Agency pursuant to Section 611.354(e) ~~611.354(f)~~), or

B) Conducted ~~conducted~~ sampling that demonstrates that the lead concentration in all service line samples from an individual lines ~~line(s)~~, taken pursuant to Section 611.356(b)(3), is less than or equal to 0.015 mg/L.

C) Where the supplier makes a demonstration under subsection (e)(2)(B) of this Section ~~above~~, the total number of lines that the supplier has replaced, combined with the total number that meet the criteria of Section 611.354(b), must ~~shall~~ equal at least seven ~~7~~ percent of the initial number of lead lines identified pursuant to subsection (a) of this Section ~~above~~ (or the percentage specified by the Agency pursuant to Section 611.354(e) ~~611.354(f)~~).

3) The annual letter submitted to the Agency pursuant to subsection (e)(2) of this Section ~~above~~ must ~~shall~~ contain the following information:
 A) The ~~the~~ number of lead service lines originally scheduled to be replaced during the previous year of the supplier's replacement schedule;
 B) The ~~the~~ number and location of each lead service line actually replaced during the previous year of the supplier's replacement schedule; and
 C) If ~~if~~ measured, the water lead concentration from each lead service line sampled pursuant to Section 611.356(b)(3) and the location of each lead service line sampled, the sampling method used, and the date of sampling.

4) Any supplier that collects lead service line samples following partial lead service line replacement required by Section 611.354 must report the results to the Agency within the first ten days of the month following the month in which the supplier receives the laboratory results, or as specified by the Agency. The Agency may, by a SEP granted pursuant to Section 611.110, eliminate this requirement to report these monitoring results. A supplier must also report any additional information as specified by the Agency, and in a time and manner prescribed by the Agency, to verify that all partial lead service line replacement activities have taken place. ~~As-soon-as-practicable,-but-no-later than--three-months-after-a-supplier-exceeds-the-lead-action-level in-the-sampling-referred-to-in-Section-611.354(a),--any--supplier seeking--to--rebut--the--presumption-that-it-has-control-over-the entire-lead-service-line-pursuant--to--Section--611.354(d)--shall submit-a-letter-to-the-Agency-describing-the-following:~~
 ~~A) the---legal---authority--(e.g.,--state--statutes,--municipal ordinances,-public-service--contracts--or--other--applicable legal-authority)-that-limits-the-supplier's-control-over-the service-lines,-and~~
 ~~B) the-extent-of-the-supplier's-control-over-the-service-lines. BOARD--NOTE:--This--communication--is--vital--to--a-supplier seeking-to-replace-less-than-entire--service--lines.---Under Section-611.354(e)(1),-a-supplier-is-presumed-to-control-the entire--service-line-unless-it-makes-an-affirmative-showing. Under-Section-611.354(d)(2)(A),-a-supplier-is--affirmatively required--to--replace--all-of-each-service-line-except-as-to any-particular-service-line-for-which-the-Agency-has-made-an affirmative-determination-that-the-supplier-does-not-control in-its-entirety.--Under--Sections--611.354(b)(1)--and--seven percent--of--the-lead-service-lines-within-a-year-of-the-day of-the-event-that-triggered-the-requirement.--Section--39(a) of--the-Act-allows-the-Agency-90-days-to-render-its-decision on-any-permit-request.--Therefore,-any-supplier-that-desires an-Agency-determination-pursuant--to--Section--611.354(e)(2)**

~~must--submit-the-required-information-within-the-three-month time-frame-of-this-subsection.~~

f) Reporting for public education program.
 1) Any water supplier that is subject to the public education requirements in Section 611.355 must, within ten days after the end of each period in which the supplier is required to perform public education tasks in accordance with Section 611.355(c), send written documentation to the Agency that contains: ~~By December-31st-of-each-calendar-year,-any-supplier-that-is-subject to--the--public--education--requirements-of-Section-611.355-shall submit-a-letter-to-the-Agency-demonstrating-materials-which--meet the-following-requirements:~~
 A) A demonstration that the supplier has delivered the public education materials that meet the content requirements in Section 611.335(a) and (b) and the delivery requirements in Section 611.355(c); and ~~the-content-requirements-of--Section 611.355(a)-and-(b),-and~~
 B) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the supplier delivered public education materials during the period in which the supplier was required to perform public education tasks. ~~the--delivery--requirements--of--Section 611.355(c).~~
 2) Unless required by the Agency, by a SEP issued pursuant to Section 611.110, a supplier that previously has submitted the information required by subsection (f)(1)(B) of this Section need not resubmit the information required by subsection (f)(1)(B) of this Section, as long as there have been no changes in the distribution list and the supplier certifies that the public education materials were distributed to the same list submitted previously. ~~The-information-submitted-pursuant-to-this-subsection shall--include--a--list--of--all--the-newspapers,-radio-stations, television-stations,-facilities-and-organizations--to--which--the supplier-delivered-public-education-materials-during-the-previous year.~~
 ~~3) The--supplier-shall-submit-the-letter-required-by-this-subsection annually-for-as-long-as-it-continues-to-exceed--the--lead--action level.~~

g) Reporting of additional monitoring data. Any supplier that collects sampling data in addition to that required by this Subpart must ~~shall~~ report the results of that sampling to the Agency within the first ten days following the end of the applicable sampling periods ~~period(s)~~ specified by Sections 611.356 through 611.358 during which the samples are collected.

h) Reporting of 90th percentile lead and copper concentrations where the Agency calculates a system's 90th percentile concentrations. A water supplier is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water

samples collected during each monitoring period, as required by subsection (a)(1)(D) of this Section if:

1) The Agency has previously notified the water supplier that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to subsection (h)(2)(A) of this Section, and has specified a date before the end of the applicable monitoring period by which the supplier must provide the results of lead and copper tap water samples;

2) The supplier has provided the following information to the Agency by the date specified in subsection (h)(1) of this Section:

A) The results of all tap samples for lead and copper including the location of each site and the criteria under Section 611.356(a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) under which the site was selected for the system's sampling pool, pursuant to subsection (a)(1)(A) of this Section; and

B) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and

3) The Agency has provided the results of the 90th percentile lead and copper calculations, in writing, to the water supplier before the end of the monitoring period.

BOARD NOTE: Derived from 40 CFR 141.90 (1999, as amended at 65 Fed. Reg. 2012 (Jan. 12, 2000) ~~(1994)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.606 Confirmation Samples

a) Where the results of sampling for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium indicate a level in excess of the MCL, the supplier must ~~shall~~ collect one additional sample as soon as possible after the supplier receives notification of the analytical result (but no later than two weeks after the initial sample was taken) at the same sampling point.

b) Where nitrate or nitrite sampling results indicate a level in excess of the MCL, the supplier must ~~shall~~ take a confirmation sample within 24 hours after the supplier's receipt of notification of the analytical results of the first sample.

1) Suppliers unable to comply with the 24-hour sampling requirement must, based on the initial sample, notify the persons served in accordance with Section 611.902 and meet other Tier 1 public notification requirements under Subpart Q of this Part ~~611.851~~.

2) Suppliers exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

c) Averaging rules are specified in Section 611.609. The Agency must ~~shall~~ delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.

BOARD NOTE: Derived from 40 CFR 141.23(f) (1999), as amended at 65 Fed. Reg. 26002 (May 4, 2000) ~~(1995)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants

Analysis of the Phase II, Phase IIB, and Phase V SOCs for the purposes of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section, the following terms will have the following meanings:

"Detect or detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means the level of the contaminant of interest that is specified in subsection (r) of this Section ~~below~~.
BOARD NOTE: This is a "trigger level" for Phase II, Phase IIB, and Phase V SOCs inasmuch as it prompts further action. The use of the term "detect" or "detection" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit".

b) Required sampling. Each supplier must ~~shall~~ take a minimum of one sample at each sampling point at the times required in subsection (q) of this Section ~~below~~.
BOARD NOTE: USEPA stayed the effective date of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide at 57 Fed. Reg. 22178 (May 27, 1991). Section 611.311(c) includes this stay. However, despite the stay of the effectiveness of the MCLs for these three SOCs, suppliers must monitor for them.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier must ~~shall~~ take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier must ~~shall~~ sample from each of the following points:
 A) Each entry point after treatment; or
 B) Points in the distribution system that are representative of each source.
3) The supplier must ~~shall~~ take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.
4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must ~~shall~~ sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section ~~above~~ derived from 40 CFR 141.24(h)(1) through (h)(3) (1999) ~~(1995)~~.

d) Monitoring frequency.~~:~~
 1) Each CWS and NTNCWS supplier must ~~shall~~ take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial compliance period.
 2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period, must ~~shall~~ take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.
 3) Suppliers serving fewer ~~less~~ than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period, must ~~shall~~ take a minimum of one sample during each subsequent three-year compliance period.
e) Reduction to annual monitoring frequency. A CWS or NTNCWS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d) of this Section ~~above~~. A SEP from the requirement of subsection (d) of this Section ~~above~~ must ~~shall~~ last for only a single three-year compliance period.
f) Vulnerability Assessment. The Agency must ~~shall~~ grant a SEP from the requirements of subsection (d) of this Section ~~above~~ based on consideration of the factors set forth at Section 611.110(e).
g) If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then the following must occur:
 1) The supplier must ~~shall~~ monitor quarterly for the contaminant at each sampling point that resulted in a detection.
 2) Annual monitoring.
 A) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.
 B) A request for a SEP must include the following minimal information:

 i) For a GWS, two quarterly samples.
 ii) For a SWS or mixed system, four quarterly samples.
 C) The Agency must ~~shall~~ grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
 D) In issuing the SEP, the Agency must ~~shall~~ specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination must ~~shall~~ include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) of this Section ~~above~~ if it detects any Phase II SOC.
 3) Suppliers that monitor annually must ~~shall~~ monitor during the quarters ~~quarter(s)~~ that previously yielded the highest analytical result.
 4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f) of this Section ~~above~~.
 5) Monitoring for related contaminants.
 A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) of this Section ~~below~~, subsequent monitoring must ~~shall~~ analyze for all the related compounds in the respective group.
 B) Related contaminants:
 i) First ~~first~~ group:
 aldicarb
 aldicarb sulfone
 aldicarb sulfoxide
 ii) Second ~~second~~ group:
 heptachlor
 heptachlor epoxide.
h) Quarterly monitoring following MCL violations.
 1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) of this Section ~~below~~, must ~~shall~~ monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.
 2) Annual monitoring.
 A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.
 B) A request for a SEP must include, at a minimum, the results from four quarterly samples.
 C) The Agency must ~~shall~~ grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency must ~~shall~~ specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination must ~~shall~~ include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) of this Section above if it detects any Phase II SOC.

E) The supplier must ~~shall~~ monitor during the quarters ~~quarter(s)~~ that previously yielded the highest analytical result.

i) Confirmation samples.

1) If any of the Phase II, Phase IIB, or Phase V SOCs are detected in a sample, the supplier must ~~shall~~ take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (k) of this Section ~~below~~.

3) The Agency must ~~shall~~ delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

j) This subsection corresponds with 40 CFR 141.24(h)(10), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

k) This subsection (k) corresponds with 40 CFR 141.24(h)(11) (1999), which USEPA removed at 65 Fed. Reg. 26022 (May 4, 2000). This statement maintains structural consistency with the federal regulations. ~~Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs shall be determined based on the analytical results obtained at each sampling point.~~

~~1) For suppliers that are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.~~

~~A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.~~

~~B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.~~

~~C) Any samples below the detection limit must be calculated as zero for purposes of determining the annual average.~~

~~2) If monitoring is conducted annually or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.~~

~~3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part is only to persons served by that portion of the distribution system that is not in compliance.~~

~~BOARD NOTE: Derived from 40 CFR 141.24(h)(11) (1995).~~

l) This subsection (l) provision corresponds with 40 CFR 141.24(h)(12) (1999) ~~(1995)~~, which USEPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

m) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:

1) Each supplier that monitors for PCBs must ~~shall~~ analyze each sample using either USEPA Organic Methods, Method 505 or Method 508.

2) If PCBs are detected in any sample analyzed using USEPA Organic Methods, Methods 505 or 508, the supplier must ~~shall~~ reanalyze the sample using 508A to quantitate the individual Aroclors (as decachlorobiphenyl).

3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA Organic Methods, Method 508A.

n) Use of existing data.

1) The Agency must ~~shall~~ allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.

2) The Agency must ~~shall~~ grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1) of this Section above.

o) The Agency must ~~shall~~ issued a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

p) This subsection corresponds with 40 CFR 141.24(h)(16), a USEPA provision that the Board has not adopted because it reserves enforcement authority to the state and would serve no useful function as part of the state's rules. This statement maintains structural consistency with USEPA rules.

q) Each supplier must ~~shall~~ monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

r) "Detection" means greater than or equal to the following concentrations for each contaminant:

1) for PCBs (Aroclors):

Aroclor	Detection Limit (mg/L)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

2) for other Phase II, Phase IIB, and Phase V SOCs:

Contaminant	Detection Limit (mg/L)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo(a)pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
Dalapon	0.001
1,2-Dibromo-3-chloropropane (DBCP)	0.00002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001

Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.000000005
2,4,5-TP (Silvex)	0.0002

s) Laboratory Certification.

1) Analyses under this Section must only be conducted by laboratories that have received approval by USEPA or the Agency according to the following conditions.

2) To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOCs the laboratory must do the following:

A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and

B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) of this Section ~~above~~ that are within the acceptance limits set forth in subsection (s)(2)(C) of this Section ~~below~~.

C) Acceptance limits:

SOC	Acceptance Limits
Alachlor	± 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Atrazine	± 45%
Benzo(a)pyrene	2 standard deviations
Carbofuran	± 45%
Chlordane	± 45%
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	± 30%
Glyphosate	2 standard deviations
Dibromochloropropane (DBCP)	± 40%
Ethylene dibromide (EDB)	± 40%
Heptachlor	± 45%
Heptachlor epoxide	± 45%
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	± 45%
Methoxychlor	± 45%
Oxamyl	2 standard deviations
PCBs (as Decachlorobiphenyl)	0-200%

Pentachlorophenol	± 50%
Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	± 45%
2,4-D	± 50%
2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4,5-TP (Silvex)	± 50%

BOARD NOTE: Derived from 40 CFR 141.24(h) (1999), as amended at 65 Fed. Reg. 26002 (May 4, 2000) ~~(1995)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART R: ENHANCED FILTRATION AND DISINFECTION

Section 611.745 Reporting and Recordkeeping Requirements

In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a public water system subject to the requirements of this Subpart that provides conventional filtration treatment or direct filtration must ~~shall~~ report monthly to the Agency the information specified in subsections (a) and (b) of this Section beginning January 1, 2002. In addition to the reporting and recordkeeping requirements in Sections 611.261 and 611.262, a public water system subject to the requirements of this Subpart that provides filtration approved under Section 611.743(b) must ~~shall~~ report monthly to the Agency the information specified in subsection (a) of this Section beginning January 1, 2002. The reporting in subsection (a) of this Section is in lieu of the reporting specified in Section 611.262(a).

a) Turbidity measurements, as required by Section 611.743, must be reported within ten days after the end of each month the system serves water to the public. Information that must be reported is the following:
 1) The total number of filtered water turbidity measurements taken during the month.
 2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in Section 611.743(a) or (b).
 3) The date and value of any turbidity measurements taken during the month that exceed 1 NTU for systems using conventional filtration treatment or direct filtration, or that exceed the maximum level under Section 611.743(b).

b) Systems must ~~shall~~ maintain the results of individual filter monitoring taken under Section 611.744 for at least three years. Systems must ~~shall~~ report that they have conducted individual filter turbidity monitoring under Section 611.744 within ten days after the end of each month the system serves water to the public. Systems must ~~shall~~ report individual filter turbidity measurement results taken under Section 611.744 within ten days after the end of each month the

system serves water to the public only if measurements demonstrate one or more of the conditions in subsections (b)(1) through (4) of this Section. Systems that use lime softening may apply to the Agency for alternative exceedance levels for the levels specified in subsections (b)(1) through (4) of this Section if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

1) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the system must ~~shall~~ report the filter number, the turbidity measurement, and the dates ~~date(s)~~ on which the exceedance occurred. In addition, the system must ~~shall~~ either produce a filter profile for the filter within seven days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.
2) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must ~~shall~~ report the filter number, the turbidity, and the dates ~~date(s)~~ on which the exceedance occurred. In addition, the system must ~~shall~~ either produce a filter profile for the filter within seven days after the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.
3) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the system must ~~shall~~ report the filter number, the turbidity measurement, and the dates ~~date(s)~~ on which the exceedance occurred. In addition, the system must ~~shall~~ conduct a self-assessment of the filter within 14 days of the exceedance and report that the self-assessment was conducted. The self assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.
4) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system must ~~shall~~ report the filter number, the turbidity measurement, and the dates ~~date(s)~~ on which the exceedance occurred. In addition, the system must ~~shall~~ arrange for the

conduct of a comprehensive performance evaluation by the Agency or a third party approved by the Agency no later than 30 days following the exceedance and have the evaluation completed and submitted to the Agency no later than 90 days following the exceedance.

c) Additional reporting requirements.

1) If at any time the turbidity exceeds 1 NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3).

2) If at any time the turbidity in representative samples of filtered water exceed the maximum level set by the Agency under Section 611.743(b) for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the supplier must consult with the Agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under Section 611.903(b)(3).

BOARD NOTE: Derived from 40 CFR 141.175 (1999), as amended at 65 Fed. Reg. 26035 (May 4, 2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART T: REPORTING~~, PUBLIC NOTIFICATION~~ AND RECORDKEEPING

Section 611.832 Notice by Agency (Repealed)

~~The Agency may give the public notices required in this Part on behalf of the supplier. However, the supplier remains responsible for ensuring that the requirements of this Part are met.~~
~~BOARD NOTE: Drawn from 40 CFR 141.32(g) (1989).~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 611.840 Reporting

a) Except where a shorter period is specified in this Part, a supplier must ~~shall~~ report to the Agency the results of any test measurement or analysis required by this Part within the following times, whichever is shortest:

1) The first ten days following the month in which the result is received; or

2) The first ten days following the end of the required monitoring period, as specified by special exception permit.

b) Except where a different reporting period is specified in this Part, the PWS must ~~shall~~ report to the Agency within 48 hours any failure to comply with any provision (including failure to comply with monitoring requirements) of this Part.

c) The supplier is not required to report analytical results to the Agency in cases where an Agency laboratory performs the analysis.

d) The supplier, within ten days of completing the ~~completion of each~~ public notification requirements under Subpart Q of this part for the initial public notice and any repeat notices, must ~~required pursuant to Section 611.851 et seq., shall~~ submit to the Agency a certification that it has fully complied with the public notification regulations. The PWS must include with this certification a representative copy of each type of notice distributed, published, posted or made available to the persons served by the supplier or to the media.

e) The supplier must ~~shall~~ submit to the Agency within the time stated in the request copies of any records required to be maintained under Section 611.860 or copies of any documents then in existence which the Agency is entitled to inspect pursuant to the authority of Section 4 of the Act.

BOARD NOTE: Derived from 40 CFR 141.31 (1999)~~(1989)~~, as amended at 65 ~~54~~ Fed. Reg. 26022 (May 4, 2000) ~~27562, June 29, 1989~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.851 Reporting MCL, MRDL, and other Violations (Repealed)

~~A PWS that fails to comply with an applicable MCL or treatment technique established by this Part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or adjusted standard shall notify persons served by the PWS as follows:~~

~~a) Except as provided in subsection (c), the supplier shall give notice:~~

~~1) By publication in a daily newspaper of general circulation in the area served by the PWS as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area; and~~

~~2) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. This is not required if the Agency determines by SEP that the supplier in violation has corrected the violation or failure within the 45 day period; and~~

~~3) For violations of the MCLs of contaminants or MRDLs of disinfectants that pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the PWS as soon as possible but in no case later than 72 hours after the violation. The~~

following violations are acute violations:

A) Any violations posing an acute risk to human health, as specified in this Part or as determined by the Agency on a case-by-case basis.

B) Violation of the MCL for nitrate or nitrite in Section 611.301.

C) Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in Section 611.325(b).

D) Occurrence of a waterborne disease outbreak.

E) Violation of the MRDL for chlorine dioxide as defined in Section 611.313 and determined according to Section 611.303(c)(2).

b) Except as provided in subsection (c), following the initial notice given under subsection (a), the supplier shall give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.

c) Alternative methods of notice.

1) In lieu of the requirements of subsections (a) and (b), a CWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice by hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

2) In lieu of the requirements of subsections (a) and (b), a non-CWS supplier may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the non-CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)), or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

3) Where allowed, pursuant to Section 611.609(d), 611.646(c)(3), or 611.648(k)(3) because it has a separable system, a supplier may issue public notice only to persons on that portion of its system that is out of compliance.

BOARD NOTE: Generally derived from 40 CFR 141.32(a) (1998). Subsection (c)(3) derived from 40 CFR 141.23(i)(4) & 141.24(f)(15)(iii), (g)(9) & (h)(11)(iii) (1993).

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 611.852 Reporting other Violations (Repealed)

A supplier that fails to perform monitoring required by this Part, which fails to comply with a testing procedure established by this Part, or which is subject to a variance or adjusted standard under Section 611.111, 611.112 or 611.113 shall notify persons served by the PWS as follows:

a) Except as provided in subsection (c) or (d), the supplier shall give notice, within three months of the violation or granting of a variance or adjusted standard, by publication in a daily newspaper of general circulation in the area served by the PWS. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead by given by publication in a weekly newspaper of general circulation serving the area.

b) Except as provided in subsection (c) or (d), following the initial notice given under subsection (a), the supplier must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists. Repeat notice of the existence of a variance or adjusted standard (Section 611.111 through 611.113) must be given every three months for as long as the variance or adjusted standard remains in effect.

c) Alternative methods of notice.

1) In lieu of the requirements of subsections (a) and (b), a CWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice, within three months of the violation or granting of the variance or adjusted standard, by hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Posting must continue for as long as the violation exists or a variance or adjusted standard remains in effect. The CWS supplier shall repeat the notice by hand delivery every three months for as long as the variance or adjusted standard remains in effect.

2) In lieu of the requirements of subsections (a) and (b), a non-CWS supplier may give notice, within three months of the violation or the granting of the variance or adjusted standard, by hand delivery or by continuous posting in conspicuous places within the area served by the non-CWS. Posting must continue for as long as the violation exists, or a variance or adjusted standard remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or adjusted standard remains in effect.

BOARD NOTE: Derived from 40 CFR 141.32(b) (1995).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 611.853 Notice to New Billing Units (Repealed)

~~A CWS supplier shall give a copy of the most recent public notice for any outstanding violation of any MCL, MRDL, treatment technique requirement or variance or adjusted standard schedule to all new billing units or new hookups prior to or at the time service begins.~~
~~BOARD NOTE: Derived from 40 CFR 141.32(c) (1990) and 40 CFR 141.32(e) (1990).~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 611.854 General Content of Public Notice (Repealed)

~~Each notice required by this Section must provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the population at risk, the steps that the supplier is taking to correct such violation, the necessity for seeking alternative water supplies, if any, and any preventive measures the consumer should take until the violation is corrected. Each notice must be conspicuous and must not contain unduly technical language, unduly small print or similar problems that frustrate the purpose of the notice. Each notice must include the telephone number of the owner, operator or designee of the supplier as a source of additional information concerning the notice. Where appropriate, the notice must be multilingual.~~
~~BOARD NOTE: Derived from 40 CFR 141.32(d) (1989).~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 611.855 Mandatory Health Effects Language (Repealed)

~~When providing the information on potential adverse health effects required by Section 611.854 in notices of violations of MCLs or treatment technique requirements, or notices of the granting or the continued existence of adjusted standards or variances, or notices of failure to comply with a variance or adjusted standard schedule, the supplier shall include the language specified in Section 611.Appendix A for each contaminant. (If language for a particular contaminant is not specified at the time notice is required, this Section does not apply).~~
~~BOARD NOTE: Derived from 40 CFR 141.32(e) (1991).~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 611.856 Fluoride Notice (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~Notice of violations of the MCL for fluoride, notices of variances and adjusted standards from the MCL for fluoride and notices of failure to comply with variance and adjusted standard schedules for the MCL for fluoride must consist of the public notice prescribed in Appendix A plus a description of any steps which the supplier is taking to come into compliance.~~
~~BOARD NOTE: Derived from 40 CFR 141.32(f) and (g) (1993).~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 611.858 Fluoride Secondary Standard (Repealed)

~~If a CWS exceeds the secondary standard for fluoride of 2.0 mg/l, as determined by the last single sample taken in accordance with Section 611.603, but does not exceed the MCL in Section 611.301(b), the supplier shall provide the fluoride notice in Section 611.Appendix A(9) to:~~
~~a) All billing units annually;~~
~~b) All billing units at the time service begins; and~~
~~c) The local public health department.~~
~~Board Note: Derived from 40 CFR 143.3 and 143.5 (1994).~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 611.860 Record Maintenance

A supplier must ~~shall~~ retain on its premises or at a convenient location near its premises the following records:

a) Records of bacteriological analyses made pursuant to this Part must be kept for not less than five 5 years. Records of chemical analyses made pursuant to this Part must be kept for not less than ten ~~10~~ years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:
 1) The date, place and time of sampling, and the name of the person who collected the sample;
 2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;
 3) Date of analysis;
 4) Laboratory and person responsible for performing analysis;
 5) The analytical technique or method used; and
 6) The results of the analysis.

b) Records of action taken by the supplier to correct violations of this Part must be kept for a period not less than three ~~3~~ years after the last action taken with respect to the particular violation involved.

c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the supplier itself, by a

private consultant, by USEPA ~~U.S. EPA~~, the Agency or a unit of local government delegated pursuant to Section 611.108, must be kept for a period not less than ten ~~10~~ years after completion of the sanitary survey involved.

d) Records concerning a variance or adjusted standard granted to the supplier must be kept for a period ending not less than five 5 years following the expiration of such variance or adjusted standard.

e) Copies of public notices issued pursuant to Subpart V of this Part and certifications made to the Agency pursuant to Section 611.840 must be kept for three years after issuance.

BOARD NOTE: Derived from 40 CFR 141.33 (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000) ~~(1994)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section 611.881 Purpose and Applicability of this Subpart

a) This Subpart establishes the minimum requirements for the content of annual reports that community water systems (CWSs) must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

b) Notwithstanding the provisions of Section 611.100(d), this Subpart only applies to CWSs.

c) For the purpose of this Subpart, "customers" are defined as billing units or service connections to which water is delivered by a CWS.

d) For the purpose of this Subpart, "detected" means the following: at or above the detection limit levels prescribed by Section 611.600(d) for inorganic contaminants, at or above the levels prescribed by Section 611.646 for Phase I, II, and V VOCs, at or above the levels prescribed by Section 611.648(r) for Phase II, IIB, and V SOCs, and at or above the levels prescribed by Section 611.720(c)(3) for radioactive contaminants.

BOARD NOTE: Derived from 40 CFR 141.151 (1999).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.883 Content of the Reports

a) Each CWS must ~~shall~~ provide to its customers an annual report that contains the information specified in this Section and Section 611.884.

b) Information on the source of the water delivered.~~:~~

1) Each report must identify the sources ~~source(s)~~ of the water delivered by the CWS by providing information on the following:

A) The type of the water~~:~~ (e.g., surface water, groundwater); and

B) The commonly used name (if any) and location of the body (or bodies) of water.

2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the Agency, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the Agency or written by the PWS.

c) Definitions.

1) Each report must include the following definitions:

A) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

BOARD NOTE: Although an MCLG is not an NPDWR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term "MCLG" is defined.

B) Maximum Contaminant Level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

2) A report for a CWS operating under relief from an NPDWR issued under Sections 611.111, 611.112, 611.130, or 611.131 must include the following definition: "Variances, Adjusted Standards, and Site-specific Rules: State permission not to meet an MCL or a treatment technique under certain conditions."

3) A report that contains data on contaminants that ~~a contaminant for which~~ USEPA regulates using any of the following terms must include the applicable definitions ~~has set a treatment technique or an action level must include one or both of the following definitions as applicable~~:

A) Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.

B) Action Level: The concentration of a contaminant that, if exceeded, triggers treatment or other requirements which a water system must follow.

C) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control

microbial contaminants.
BOARD NOTE: Although an MRDLG is not an NPDWR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term "MRDLG" is defined.

D) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

d) Information on detected contaminants.

1) This subsection (d) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except Cryptosporidium). It applies to the following:

A) Contaminants subject to an MCL, action level, MRDL, or treatment technique (regulated contaminants);

B) Contaminants for which monitoring is required by Section 611.510 (unregulated contaminants); and

C) Disinfection byproducts or microbial contaminants for which monitoring is required by Section 611.382 and Subpart L, except as provided under subsection (e)(1) of this Section, and which are detected in the finished water.

2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results that a CWS chooses to include in its report must be displayed separately.

3) The data must be derived from data collected to comply with monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter, except that the following requirements also apply:

A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the tables ~~table(s)~~ must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report is from the most recent testing done in accordance with the regulations. No data older than five years need be included.

B) Results of monitoring in compliance with Section 611.382 and Subpart L need only be included for five years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

4) For detected regulated contaminants (listed in Appendix A ~~F~~ of this Part), the tables ~~table(s)~~ must contain the following:

A) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided Appendix AF);

B) The Maximum Contaminant Level Goal (MCLG) for that

contaminant expressed in the same units as the MCL;

C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique or action level, as appropriate, specified in subsection (c)(3) of this Section;

D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with an NPDWR, and the range of detected levels, as follows:

i) When compliance with the MCL is determined annually or less frequently: the ~~The~~ highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL;

BOARD NOTE to subsection (d)(4)(D): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix AF; derived from 40 CFR 153 (1999) ~~(1998)~~.

E) For turbidity the following:

i) When it is reported pursuant to Section 611.560: the ~~The~~ highest average monthly value.

ii) When it is reported pursuant to the requirements of Section 611.211(b): The highest monthly value. the ~~The~~ report must include an explanation of the reasons for measuring turbidity.

iii) When it is reported pursuant to Section 611.250 or 611.743: the ~~The~~ highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Section 611.250 or 611.743 for the filtration technology being used. the ~~The~~ report must include an explanation of the reasons for measuring turbidity;

F) For lead and copper the following: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

G) For total coliform the following:

i) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or

ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;

H) For fecal coliform the following: the total number of positive samples; and

I) The likely sources ~~source(s)~~ of detected contaminants to the best of the supplier's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and must be used when available to the supplier. If the supplier lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix G of this Part which are most applicable to the CWS.

5) If a CWS distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table must contain a separate column for each service area and the report must identify each separate distribution system. Alternatively, a CWS may produce separate reports tailored to include data for each service area.

6) The tables ~~table(s)~~ must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation including the following: the length of the violation, the potential adverse health effects, and actions taken by the CWS to address the violation. To describe the potential health effects, the CWS must ~~shall~~ use the relevant language of Appendix A H of this Part.

7) For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the tables ~~table(s)~~ must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

e) Information on Cryptosporidium, radon, and other contaminants:

1) If the CWS has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of Subpart L of this Part, that indicates that Cryptosporidium may be present in the source water or the finished water, the report must include the following:

A) A summary of the results of the monitoring; and

B) An explanation of the significance of the results.

2) If the CWS has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include the following:

A) The results of the monitoring; and

B) An explanation of the significance of the results.

3) If the CWS has performed additional monitoring that indicates the presence of other contaminants in the finished water, the report must include the following:

A) The results of the monitoring; and

B) An explanation of the significance of the results noting the existence of any health advisory or proposed regulation.

f) Compliance with an NPDWR. In addition to the requirements of subsection (d)(6) of this Section, the report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the CWS has taken to correct the violation.

1) Monitoring and reporting of compliance data;

2) Filtration and disinfection prescribed by Subpart B of this Part. For CWSs that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

3) Lead and copper control requirements prescribed by Subpart G of this Part. For systems that fail to take one or more actions prescribed by Section 611.350(d), 611.351, 611.352, 611.353, or 611.354, the report must include the applicable language of Appendix A of this Part H for lead, copper, or both.

4) Treatment techniques for acrylamide and epichlorohydrin prescribed by Section 611.296. For systems that violate the requirements of Section 611.296, the report must include the relevant language from Appendix A H of this Part.

5) Recordkeeping of compliance data.

6) Special monitoring requirements prescribed by Sections 611.510 and 611.630; and

7) Violation of the terms of a variance, adjusted standard, site-specific rule, or administrative or judicial order.

g) Variances, adjusted standards, and site-specific rules. If a system is operating under the terms of a variance, adjusted standard, or site-specific rule issued under Sections 611.111, 611.112, or 611.131, the report must contain the following:

1) An explanation of the reasons for the variance, adjusted standard, or site-specific rule;

2) The date on which the variance, adjusted standard, or site-specific rule was issued;

3) A brief status report on the steps the CWS is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance, adjusted standard, or site-specific rule; and

4) A notice of any opportunity for public input in the review, or renewal, of the variance, adjusted standard, or site-specific rule.

h) Additional information.:

1) The report must contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language of subsections (h)(1)(A) through (h)(1)(C) of this Section or CWSs may use their own comparable language. The report also must include the language of subsection (h)(1)(D) of this Section.

A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

B) Contaminants that may be present in source water include the following:

i) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;

ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;

iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;

iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and

v) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

C) In order to ensure that tap water is safe to drink, USEPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. United States Food and Drug Administration (USFDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline (800-426-4791).

2) The report must include the telephone number of the owner, operator, or designee of the CWS as a source of additional information concerning the report.

3) In communities with a large proportion of non-English speaking residents, as determined by the Agency, the report must contain information in the appropriate languages ~~language(s)~~ regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

4) The report must include information about opportunities for public participation in decisions that may affect the quality of the water.

5) The CWS may include such additional information as it deems necessary for public education consistent with, and not detracting from, the purpose of the report.

BOARD NOTE: Derived from 40 CFR 141.153 (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.884 Required Additional Health Information

a) All reports must prominently display the following language: Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA or Center for Disease Control guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the USEPA Safe Drinking Water Hotline (800-426-4791).

b) A CWS that detects arsenic at levels above 25 ug/L, but below the MCL must do the following:

1) The CWS must ~~Shall~~ include in its report a short informational statement about arsenic, using the following language: USEPA is reviewing the drinking water standard for arsenic because of special concerns that it may not be stringent enough. Arsenic is a naturally-occurring mineral known to cause cancer in humans at

high concentrations; or

2) The CWS may ~~May~~ write its own educational statement, but only in consultation with the Agency.

c) A CWS that detects nitrate at levels above 5 mg/L, but below the MCL must do the following:

1) The CWS must ~~Shall~~ include a short informational statement about the impacts of nitrate on children, using the following language: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider; or

2) The CWS may ~~May~~ write its own educational statement, but only in consultation with the Agency.

d) A CWS that detects lead above the action level in more than five percent ~~5%~~, and up to and including ten percent ~~10%~~, of homes sampled must do the following:

1) The CWS must ~~Shall~~ include a short informational statement about the special impact of lead on children, using the following language: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to two ~~2~~ minutes before using tap water. Additional information is available from the USEPA Safe Drinking Water Hotline (800-426-4791); or

2) The CWS may ~~May~~ write its own educational statement, but only in consultation with the Agency.

e) A CWS that detects TTHM above 0.080 mg/L, but below the MCL in Section 611.312, as an annual average, monitored and calculated under the provisions of Section 611.680, must ~~shall~~ include the health effects language prescribed by Appendix A ~~H(73)~~ of this Part.

BOARD NOTE: Derived from 40 CFR 141.154 (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.885 Report Delivery and Recordkeeping

a) Except as provided in subsection (g) of this Section, each CWS must ~~shall~~ mail or otherwise directly deliver one copy of the report to each customer.

b) The CWS must ~~shall~~ make a good faith effort to reach consumers who do not get water bills, using means recommended by the Agency. A good

faith effort to reach consumers includes, but is not limited to, methods such as the following: posting the reports on the Internet, advertising the availability of the report in the news media, publication in a local newspaper, or delivery to community organizations.

c) No later than the date the CWS is required to distribute the report to its customers, each CWS must ~~shall~~ mail a copy of the report to the Agency, followed within three months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Agency.

d) No later than the date the CWS is required to distribute the report to its customers, each CWS must ~~shall~~ deliver the report to any other agency or clearinghouse identified by the Agency.

e) Each CWS must ~~shall~~ make its reports available to the public upon request.

f) Each CWS serving 100,000 or more persons must ~~shall~~ post its current year's report to a publicly-accessible site on the Internet.

g) The Governor or his designee may waive the requirement of subsection (a) of this Section for a CWS serving fewer than 10,000 persons.

1) Such a CWS must do the following ~~shall~~:

A) The CWS must publish ~~Publish~~ the report in one or more local newspapers serving the county in which the CWS is located;

B) The CWS must inform ~~Inform~~ the customers that the report will not be mailed, either in the newspapers in which the report is published or by other means approved by the Agency; and

C) The CWS must make ~~Make~~ the report available to the public upon request.

2) Systems serving fewer than 500 persons may forgo the requirements of subsections (g)(1)(A) and (B) of this Section if they provide notice at least once per year to their customers by mail, door-to-door delivery or by posting in a location approved by the Agency that the report is available upon request.

h) Any system subject to this Subpart must ~~shall~~ retain copies of its consumer confidence report for no less than five years.

BOARD NOTE: Derived from 40 CFR 141.155 (1999).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section 611.901 General Public Notification Requirements

The requirements of this Subpart V replace former notice requirements.

a) Who must give public notice. Each owner or operator of a public water system (a CWS, a NTNCWSs, or a transient non-CWS) must give notice for

all violations of a NPDWR and for other situations, as listed in this subsection (a). The term "NPDWR violation" is used in this Subpart V to include violations of an MCL, an MRDL, a treatment technique, monitoring requirements, or a testing procedure set forth in this Part. Appendix G to this Part identifies the tier assignment for each specific violation or situation requiring a public notice.

1) NPDWR violations:
 A) A failure to comply with an applicable MCL or MRDL.
 B) A failure to comply with a prescribed treatment technique.
 C) A failure to perform water quality monitoring, as required by this Part.
 D) A failure to comply with testing procedures as prescribed by this Part.
2) Relief equivalent to a variance and exemptions under sections 1415 and 1416 of SDWA:
 A) Operation under relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a SDWA Section 1416 exemption, under Section 611.112.
 B) A failure to comply with the requirements of any schedule that has been set under relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a SDWA Section 1415 exemption, under Section 611.112.
3) Special public notices:
 A) The occurrence of a waterborne disease outbreak or other waterborne emergency.
 B) An exceedance of the nitrate MCL by a non-CWS, where granted permission by the Agency under Section 611.300(d).
 C) An exceedance of the secondary fluoride standard of Section 611.858.
 D) The availability of unregulated contaminant monitoring data.
 E) Other violations and situations determined by the Agency by a SEP issued pursuant to Section 611.110 to require a public notice under this Subpart, not already listed in Appendix G.

b) The type of public notice required for each violation or situation. The public notice requirements of this Subpart V are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subsection section (a) of this Section are determined by the tier to which it is assigned. This subsection (b) provides the definition of each tier. Appendix G of this Part identifies the tier assignment for each specific violation or situation.
 1) Tier 1 public notice: required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
 2) Tier 2 public notice: required for all other NPDWR violations and situations with potential to have serious adverse effects on human health.
 3) Tier 3 public notice: required for all other NPDWR violations and situations not included in Tier 1 and Tier 2.

c) Who must receive notice.
 1) Each PWS supplier must provide public notice to persons served by the water supplier, in accordance with this Subpart V. A PWS supplier that sells or otherwise provides drinking water to another PWS supplier (i.e., to a consecutive system) is required to give public notice to the owner or operator of the consecutive system; the consecutive system supplier is responsible for providing public notice to the persons it serves.
 2) If a PWS supplier has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Agency may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the Agency for limiting distribution of the notice must be granted in writing, by a SEP granted pursuant to Section 611.110.
 3) A copy of the notice must also be sent to the Agency, in accordance with the requirements under Section 611.840(d).

BOARD NOTE: Derived from 40 CFR 141.201, as added at 65 Fed. Reg. 26035 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.902 Tier 1 Public Notice--Form, Manner, and Frequency of Notice

a) Which violations or situations require a Tier 1 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 1 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.
 1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in Section 611.325(b)), or when the water supplier fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in Section 611.525);
 2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Section 611.301, or when the water supplier fails to take a confirmation sample within 24 hours of the supplier's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in Section 611.606(b);
 3) Exceedance of the nitrate MCL by a non-CWS supplier, where permitted to exceed the MCL by the Agency under Section 611.300(d), as required under Section 611.909;

4) Violation of the MRDL for chlorine dioxide, as defined in Section 611.313(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in Section 611.383(c)(2)(A);

5) Violation of the turbidity MCL under Section 141.13(b), where the Agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;

6) Violation of the Surface Water Treatment Rule (SWTR) or Interim Enhanced Surface Water Treatment rule (IESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix G), where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;

7) Occurrence of a waterborne disease outbreak, as defined in Section 611.101, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Agency by a SEP issued pursuant to Section 611.110.

b) When the Tier 1 public notice is to be provided. Additional steps required. A PWS supplier must:

1) Provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;

2) Initiate consultation with the Agency as soon as practical, but no later than 24 hours after the PWS supplier learns of the violation or situation, to determine additional public notice requirements; and

3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

c) The form and manner of the public notice. A PWS supplier must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the PWS supplier are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, a water supplier is to use, at a minimum, one or more of the following forms of delivery:

1) Appropriate broadcast media (such as radio and television);

2) Posting of the notice in conspicuous locations throughout the area served by the water supplier;

3) Hand delivery of the notice to persons served by the water supplier; or

4) Another delivery method approved in writing by the Agency by a SEP issued pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.202, as added at 65 Fed. Reg. 26036 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.903 Tier 2 Public Notice--Form, Manner, and Frequency of Notice

a) Which violations or situations require a Tier 2 public notice. This subsection lists the violation categories and other situations requiring a Tier 2 public notice. Appendix G to this Part identifies the tier assignment for each specific violation or situation.

1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 1 notice is required;

2) Violations of the monitoring and testing procedure requirements, where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

3) Failure to comply with the terms and conditions of any relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption in place.

b) When Tier 2 public notice is to be provided.

1) A PWS supplier must provide the public notice as soon as practical, but no later than 30 days after the supplier learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Agency may, in appropriate circumstances, by a SEP issue pursuant to Section 611.110, allow additional time for the initial notice of up to three months from the date the supplier learns of the violation. It is not appropriate for the Agency to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Agency must be in writing.

2) The PWS supplier must repeat the notice every three months as long as the violation or situation persists, unless the Agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Agency to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Agency to allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. An Agency determination allowing repeat notices to be given less frequently than once every three months must be in writing.

3) For the turbidity violations specified in this subsection (b)(3), a PWS supplier must consult with the Agency as soon as practical but no later than 24 hours after the supplier learns of the violation, to determine whether a Tier 1 public notice under Section 611.902(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the supplier learns of the violation), following the requirements under Section 611.902(b) and (c). Consultation with the Agency is required for the following:

A) Violation of the turbidity MCL under Section 141.320(b); or

B) Violation of the SWTR or IESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

c) The form and manner of Tier 2 public notice. A PWS supplier must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

1) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a CWS supplier must provide notice by:

A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS supplier; and

B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates,

etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the supplier or on the Internet; or delivery to community organizations.

2) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a non-CWS supplier must provide notice by the following:

A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and

B) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include the following: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

BOARD NOTE: Derived from 40 CFR 141.203, as added at 65 Fed. Reg. 26036 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.904 Tier 3 Public Notice--Form, Manner, and Frequency of Notice

a) Which violations or situations require a Tier 3 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 3 public notice. Appendix G of this Part identifies the tier assignment for each specific violation or situation.

1) Monitoring violations under this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

2) Failure to comply with a testing procedure established in this Part, except where a Tier 1 notice is required under Section 611.902(a) or where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 notice is required;

3) Operation under relief equivalent to a SDWA Section 1415 variance granted under Section 611.111 or relief equivalent to a SDWA Section 1416 exemption granted under Section 611.112;

4) Availability of unregulated contaminant monitoring results, as required under Section 611.907; and

5) Exceedance of the secondary standard for fluoride under Section 611.858, as required under Section 611.908.

b) When the Tier 3 public notice is to be provided.

1) A PWS supplier must provide the public notice not later than one year after the supplier learns of the violation or situation or begins operating under relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption. Following the initial notice, the supplier must repeat the notice annually for as long as the violation, relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, relief equivalent to a SDWA Section 1415 variance or Section 1416 exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).

2) Instead of individual Tier 3 public notices, a PWS supplier may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of subsection (b)(1) of this Section are met.

c) The form and manner of the Tier 3 public notice. A PWS supplier must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

1) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a CWS supplier must provide notice by the following:

A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the supplier; and

B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include the follwoing: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

2) Unless directed otherwise by the Agency by a SEP issued pursuant to Section 611.110 in writing, a non-CWS supplier must provide notice by the following:

A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and

B) Any other method reasonably calculated to reach other persons served by the supplier, if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include the following: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

d) When the Consumer Confidence Report may be used to meet the Tier 3 public notice requirements. For a CWS supplier, the Consumer Confidence Report (CCR) required under Subpart U of this Part may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as the following is true:

1) The CCR is provided to persons served no later than 12 months after the supplier learns of the violation or situation as required under Section 611.904(b);

2) The Tier 3 notice contained in the CCR follows the content requirements under Section 611.905; and

3) The CCR is distributed following the delivery requirements under Section 611.904(c).

BOARD NOTE: Derived from 40 CFR 141.204, as added at 65 Fed. Reg. 26037 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.905 Content of the Public Notice

a) Elements included in public notice for violation of an NPDWR or other situations. When a PWS supplier violates a NPDWR or has a situation requiring public notification, each public notice must include the following elements:

1) A description of the violation or situation, including the contaminants of concern, and (as applicable) the contaminant levels;

2) When the violation or situation occurred;

3) Any potential adverse health effects from the violation or situation, including the standard language under subsection (d)(1) or (d)(2) of this Section, whichever is applicable;

4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;

5) Whether alternative water supplies should be used;

6) What actions consumers should take, including when they should

seek medical help, if known;

7) What the supplier is doing to correct the violation or situation;

8) When the water supplier expects to return to compliance or resolve the situation;

9) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and

10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subsection (d)(3) of this Section, where applicable.

b) The elements that must be included in the public notice for public water systems operating under relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.

1) If a PWS supplier has been granted a relief equivalent to a SDWA Section 1415 variance, under Section 611.111, or a Section 1416 exemption, under Section 611.112, the public notice must contain the following:

A) An explanation of the reasons for the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption;

B) The date on which the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption was issued;

C) A brief status report on the steps that the supplier is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption; and

D) A notice of any opportunity for public input in the review of the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.

2) If a PWS supplier violates the conditions of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, the public notice must contain the ten elements listed in subsection (a) of this Section.

c) How the public notice is to be presented.

1) Each public notice required by this Section must comply with the following:

A) It must be displayed in a conspicuous way when printed or posted;

B) It must not contain overly technical language or very small print;

C) It must not be formatted in a way that defeats the purpose of the notice;

D) It must not contain language which nullifies the purpose of the notice.

2) Each public notice required by this Section must comply with multilingual requirements, as follows:

A) For PWS supplier serving a large proportion of non-English

speaking consumers, as determined by the Agency by a SEP issued pursuant to Section 611.110, the public notice must contain information in the appropriate languages regarding the importance of the notice or contain a telephone number or address where persons served may contact the water supplier to obtain a translated copy of the notice or to request assistance in the appropriate language.

B) In cases where the Agency has not determined what constitutes a large proportion of non-English speaking consumers, the PWS supplier must include in the public notice the same information as in subsection (c)(2)(A) of this Section, where appropriate to reach a large proportion of non-English speaking persons served by the water supplier.

d) Standard language that a PWS supplier must include in its public notice. A PWS supplier is required to include the following standard language in its public notice:

1) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption. A PWS supplier must include in each public notice the health effects language specified in Appendix H to this Part corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix G to this Part, and for each violation of a condition of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption.

2) Standard language for monitoring and testing procedure violations. A PWS supplier must include the following language in its notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in Appendix G of this Part:

> We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [contaminants], and therefore cannot be sure of the quality of your drinking water during that time.

3) Standard language to encourage the distribution of the public notice to all persons served. A PWS supplier must include the following language in its notice (where applicable):

> Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments,

nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

BOARD NOTE: Derived from 40 CFR 141.205, as added at 65 Fed. Reg. 26038 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.906 Notice to New Billing Units or New Customers

a) The requirement for a CWS. A CWS supplier must give a copy of the most recent public notice for any continuing violation, the existence of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

b) The requirement for non-CWS. A non-CWS supplier must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other situation requiring a public notice for as long as the relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption, or other situation persists.

BOARD NOTE: Derived from 40 CFR 141.206, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring Results

a) When to give special notice. The owner or operator of a CWS supplier or a NTNCWS supplier required to monitor for unregulated contaminants under Section 611.510 must notify persons served by the supplier of the availability of the results of such sampling no later than 12 months after the monitoring results are known.

b) The form and manner of a special notice. The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in Secs. 611.904(c), (d)(1), and (d)(3). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

BOARD NOTE: Derived from 40 CFR 141.207, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective

_____)

Section 611.908 Special Notice for Exceedance of the Fluoride Secondary Standard

a) When to give special notice. A CWS supplier that exceeds the fluoride secondary standard of 2 mg/l, as specified in Section 611.858 (determined by the last single sample taken in accordance with Section 611.603), but do not exceed the maximum contaminant level (MCL) of 4 mg/l for fluoride (as specified in Section 611.301), must provide the public notice in subsection (c) of this Section to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the supplier learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the Department of Public Health. The PWS supplier must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the fluoride secondary standard is exceeded, but in no case less than seven days (even if the exceedance is eliminated). On a case-by-case basis, the Agency may require an initial notice sooner than 12 months and repeat notices more frequently than annually.

b) The form and manner of a special notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in Section 611.904(c), (d)(1), and (d)(3).

c) Mandatory language in a special notice. The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/L. Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/L of fluoride (the

USEPA's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

BOARD NOTE: Derived from 40 CFR 141.208, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.909 Special Notice for Nitrate Exceedances above the MCL by a Non-Community Water System

a) When the special notice is to be given. The owner or operator of a non-CWS supplier granted permission by the Agency under Section 611.300(d) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under Section 611.902(a) and (b).

b) The form and manner of the special notice. A non-CWS supplier granted permission by the Agency to exceed the nitrate MCL under Section 611.300(d) must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under Section 611.902(c) and the content requirements under Section 611.905.

BOARD NOTE: Derived from 40 CFR 141.209, as added at 65 Fed. Reg. 26039 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.910 Notice by the Agency on Behalf of a PWS

a) The Agency may issue the notice required by this subpart on behalf of the owner and operator of the PWS supplier if the Agency complies with the requirements of this Subpart V.

b) The responsibility of the PWS supplier when notice is given by the Agency. The owner or operator of the PWS supplier remains responsible for ensuring that the requirements of this Subpart V are met.

BOARD NOTE: Derived from 40 CFR 141.210, as added at 65 Fed. Reg. 26039

(May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 611.APPENDIX A Regulated Contaminants ~~Mandatory--Health--Effects InformationRegulated-Contaminants~~

Microbiological contaminants:

Contaminant (units): Total Coliform Bacteria
Traditional MCL in mg/L: MCL: (systems that collect ≥ 40 samples/month) 5% of monthly samples are positive; (systems that collect 40 samples/month) 1 positive monthly sample.
To convert for CCR, multiply by: --
MCL in CCR units: MCL: (systems that collect ≥ 40 samples/month) 5% of monthly samples are positive; (systems that collect 40 samples/month) 1 positive monthly sample.
MCLG: 0
Major sources in drinking water: Naturally present in the environment.
Health effects language: Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

Contaminant (units): Fecal coliform and E. coli
Traditional MCL in mg/L: 0
To convert for CCR, multiply by: --
MCL in CCR units: 0
MCLG: 0
Major sources in drinking water: Human and animal fecal waste.
Health effects language: Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.

Contaminant (units): Total organic carbon (ppm)
Traditional MCL in mg/L: TT
To convert for CCR, multiply by: --
MCL in CCR units: TT
MCLG: N/A
Major sources in drinking water: Naturally present in the environment.
Health effects language: Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to

adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

Contaminant (units): Turbidity (NTU)
Traditional MCL in mg/L: TT
To convert for CCR, multiply by: --
MCL in CCR units: TT
MCLG: N/A
Major sources in drinking water: Soil runoff.
Health effects language: Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

Radioactive contaminants:

Contaminant (units): Beta/photon emitters (mrem/yr)
Traditional MCL in mg/L: 4 mrem/yr
To convert for CCR, multiply by: --
MCL in CCR units: 4
MCLG: N/A
Major sources in drinking water: Decay of natural and man-made deposits.
Health effects language: Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Alpha emitters (pCi/l).
Traditional MCL in mg/L: 15 pCi/l
To convert for CCR, multiply by: --
MCL in CCR units: 15
MCLG: N/A
Major sources in drinking water: Erosion of natural deposits.
Health effects language: Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Combined radium (pCi/l)
Traditional MCL in mg/L: 5 pCi/l
To convert for CCR, multiply by: --
MCL in CCR units: 5
MCLG: N/A
Major sources in drinking water: Erosion of natural deposits.

Health effects language: Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

Inorganic contaminants:

Contaminant (units): Antimony (ppb)
Traditional MCL in mg/L: 0.006
To convert for CCR, multiply by: 1000
MCL in CCR units: 6
MCLG: 6
Major sources in drinking water: Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
Health effects language: Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

Contaminant (units): Arsenic (ppb)
Traditional MCL in mg/L: 0.05
To convert for CCR, multiply by: 1000
MCL in CCR units: 50
MCLG: N/A
Major sources in drinking water: Erosion of natural deposits; runoff from orchards; runoff from glass and electronics production wastes.
Health effects language: Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

Contaminant (units): Asbestos (MFL)
Traditional MCL in mg/L: 7 MFL
To convert for CCR, multiply by: --
MCL in CCR units: 7
MCLG: 7
Major sources in drinking water: Decay of asbestos cement water mains; erosion of natural deposits.
Health effects language: Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

Contaminant (units): Barium (ppm)
Traditional MCL in mg/L: 2
To convert for CCR, multiply by: --
MCL in CCR units: 2
MCLG: 2
Major sources in drinking water: Discharge of drilling wastes;

discharge from metal refineries; erosion of natural deposits.
Health effects language: Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

Contaminant (units): Beryllium (ppb)
Traditional MCL in mg/L: 0.004
To convert for CCR, multiply by: 1000
MCL in CCR units: 4
MCLG: 4
Major sources in drinking water: Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries.
Health effects language: Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

Contaminant (units): Cadmium (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 5
Major sources in drinking water: Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; runoff from waste batteries and paints.
Health effects language: Some people who drink water containing Cadmium in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Chromium (ppb)
Traditional MCL in mg/L: 0.1
To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Discharge from steel and pulp mills; erosion of natural deposits.
Health effects language: Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

Contaminant (units): Copper (ppm)
Traditional MCL in mg/L: AL=1.3
To convert for CCR, multiply by: --
MCL in CCR units: AL=1.3
MCLG: 1.3
Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Health effects language: Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

Contaminant (units): Cyanide (ppb)
Traditional MCL in mg/L: 0.2
To convert for CCR, multiply by: 1000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Discharge from steel/metal factories; discharge from plastic and fertilizer factories.
Health effects language: Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

Contaminant (units): Fluoride (ppm)
Traditional MCL in mg/L: 4
To convert for CCR, multiply by: --
MCL in CCR units: 4
MCLG: 4
Major sources in drinking water: Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.
Health effects language: Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

Contaminant (units): Lead (ppb)
Traditional MCL in mg/L: AL=0.015
To convert for CCR, multiply by: 1000
MCL in CCR units: AL=15
MCLG: 0
Major sources in drinking water: Corrosion of household plumbing systems; erosion of natural deposits.
Health effects language: Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney

problems or high blood pressure.

Contaminant (units): Mercury [inorganic] (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 2
Major sources in drinking water: Erosion of natural deposits; discharge from refineries and factories; runoff from landfills; runoff from cropland.
Health effects language: Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

Contaminant (units): Nitrate (ppm)
Traditional MCL in mg/L: 10
To convert for CCR, multiply by: --
MCL in CCR units: 10
MCLG: 10
Major sources in drinking water: Runoff from fertilizer use; leaching from septic tanks, sew age; erosion of natural deposits.
Health effects language: Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Nitrite (ppm)
Traditional MCL in mg/L: 1
To convert for CCR, multiply by: --
MCL in CCR units: 1
MCLG: 1
Major sources in drinking water: Runoff from fertilizer use; leaching from septic tanks, sew age; erosion of natural deposits.
Health effects language: Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units): Selenium (ppb)
Traditional MCL in mg/L: 0.05
To convert for CCR, multiply by: 1000
MCL in CCR units: 50
MCLG: 50
Major sources in drinking water: Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines.
Health effects language: Selenium is an essential nutrient. However, some people who drink water containing selenium in excess

of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

Contaminant (units): Thallium (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0.5
Major sources in drinking water: Leaching from ore-processing sites; discharge from electronics, glass, and drug factories.
Health effects language: Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

Contaminant (units): 2,4-D (ppb)
Traditional MCL in mg/L: 0.07
To convert for CCR, multiply by: 1000
MCL in CCR units: 70
MCLG: 70
Major sources in drinking water: Runoff from herbicide used on row crops.
Health effects language: Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

Contaminant (units): 2,4,5-TP [Silvex](ppb)
Traditional MCL in mg/L: 0.05
To convert for CCR, multiply by: 1000
MCL in CCR units: 50
MCLG: 50
Major sources in drinking water: Residue of banned herbicide.
Health effects language: Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

Contaminant (units): Acrylamide
Traditional MCL in mg/L: TT
To convert for CCR, multiply by: --
MCL in CCR units: TT
MCLG: 0
Major sources in drinking water: Added to water during sewage/wastewater treatment.
Health effects language: Some people who drink water containing

high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

Contaminant (units): Alachlor (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0
Major sources in drinking water: Runoff from herbicide used on row crops.
Health effects language: Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

Contaminant (units): Atrazine (ppb)
Traditional MCL in mg/L: 0.003
To convert for CCR, multiply by: 1000
MCL in CCR units: 3
MCLG: 3
Major sources in drinking water: Runoff from herbicide used on row crops.
Health effects language: Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

Contaminant (units): Benzo(a)pyrene [PAH] (nanograms/l)
Traditional MCL in mg/L: 0.0002
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 200
MCLG: 0
Major sources in drinking water: Leaching from linings of water storage tanks and distribution lines.
Health effects language: Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units): Carbofuran (ppb)
Traditional MCL in mg/L: 0.04
To convert for CCR, multiply by: 1000
MCL in CCR units: 40
MCLG: 40
Major sources in drinking water: Leaching of soil fumigant used on rice and alfalfa.
Health effects language: Some people who drink water containing

carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

Contaminant (units): Chlordane (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0
Major sources in drinking water: Residue of banned termiticide.
Health effects language: Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

Contaminant (units): Dalapon (ppb)
Traditional MCL in mg/L: 0.2
To convert for CCR, multiply by: 1000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Runoff from herbicide used on rights of way.
Health effects language: Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

Contaminant (units): Di(2-ethylhexyl)adipate (ppb)
Traditional MCL in mg/L: 0.4
To convert for CCR, multiply by: 1000
MCL in CCR units: 400
MCLG: 400
Major sources in drinking water: Discharge from chemical factories.
Health effects language: Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

Contaminant (units): Di(2-ethylhexyl)phthalate (ppb)
Traditional MCL in mg/L: 0.006
To convert for CCR, multiply by: 1000
MCL in CCR units: 6
MCLG: 0
Major sources in drinking water: Discharge from rubber and chemical factories
Health effects language: Some people who drink water containing di(2-ethylhexyl)phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

Contaminant (units): Dibromochloropropane (ppt)
Traditional MCL in mg/L: 0.0002
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 200
MCLG: 0
Major sources in drinking water: Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
Health effects language: Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.

Contaminant (units): Dinoseb (ppb)
Traditional MCL in mg/L: 0.007
To convert for CCR, multiply by: 1000
MCL in CCR units: 7
MCLG: 7
Major sources in drinking water: Runoff from herbicide used on soybeans and vegetables.
Health effects language: Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Diquat (ppb)
Traditional MCL in mg/L: 0.02
To convert for CCR, multiply by: 1000
MCL in CCR units: 20
MCLG: 20
Major sources in drinking water: Runoff from herbicide use.
Health effects language: Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

Contaminant (units): Dioxin [2,3,7,8-TCDD] (ppq)
Traditional MCL in mg/L: 0.00000003
To convert for CCR, multiply by: 1,000,000,000
MCL in CCR units: 30
MCLG: 0
Major sources in drinking water: Emissions from waste incineration and other combustion; discharge from chemical factories.
Health effects language: Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

Contaminant (units): Endothall (ppb)
Traditional MCL in mg/L: 0.1
To convert for CCR, multiply by: 1000

MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Runoff from herbicide use.
Health effects language: Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

Contaminant (units): Endrin (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 2
Major sources in drinking water: Residue of banned insecticide.
Health effects language: Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

Contaminant (units): Epichlorohydrin.
Traditional MCL in mg/L: TT
To convert for CCR, multiply by: --
MCL in CCR units: TT
MCLG: 0
Major sources in drinking water: Discharge from industrial chemical factories; an impurity of some water treatment chemicals.
Health effects language: Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Contaminant (units): Ethylene dibromide (ppt)
Traditional MCL in mg/L: 0.00005
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 50
MCLG: 0
Major sources in drinking water: Discharge from petroleum refineries.
Health effects language: Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Glyphosate (ppb)
Traditional MCL in mg/L: 0.7
To convert for CCR, multiply by: 1000
MCL in CCR units: 700
MCLG: 700
Major sources in drinking water: Runoff from herbicide use.
Health effects language: Some people who drink water containing

glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

Contaminant (units): Heptachlor (ppt)
Traditional MCL in mg/L: 0.0004
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 400
MCLG: 0
Major sources in drinking water: Residue of banned pesticide.
Health effects language: Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

Contaminant (units): Heptachlor epoxide (ppt)
Traditional MCL in mg/L: 0.0002
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 200
MCLG: 0
Major sources in drinking water: Breakdown of heptachlor.
Health effects language: Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

Contaminant (units): Hexachlorobenzene (ppb)
Traditional MCL in mg/L: 0.001
To convert for CCR, multiply by: 1000
MCL in CCR units: 1
MCLG: 0
Major sources in drinking water: Discharge from metal refineries and agricultural chemical factories.
Health effects language: Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

Contaminant (units): Hexachlorocyclopentadiene (ppb)
Traditional MCL in mg/L: 0.05
To convert for CCR, multiply by: 1000
MCL in CCR units: 50
MCLG: 50
Major sources in drinking water: Discharge from chemical factories.
Health effects language: Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

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Contaminant (units): Lindane (ppt)
Traditional MCL in mg/L: 0.0002
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Runoff/leaching from insecticide used on cattle, lumber, gardens.
Health effects language: Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

Contaminant (units): Methoxychlor (ppb)
Traditional MCL in mg/L: 0.04
To convert for CCR, multiply by: 1000
MCL in CCR units: 40
MCLG: 40
Major sources in drinking water: Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
Health effects language: Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

Contaminant (units): Oxamyl [Vydate] (ppb)
Traditional MCL in mg/L: 0.2
To convert for CCR, multiply by: 1000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Runoff/leaching from insecticide used on apples, potatoes and tomatoes.
Health effects language: Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

Contaminant (units): PCBs [Polychlorinated biphenyls] (ppt)
Traditional MCL in mg/L: 0.0005
To convert for CCR, multiply by: 1,000,000
MCL in CCR units: 500
MCLG: 0
Major sources in drinking water: Runoff from landfills; Discharge of waste chemicals.
Health effects language: Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

Contaminant (units): Pentachlorophenol (ppb)
Traditional MCL in mg/L: 0.001

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To convert for CCR, multiply by: 1000
MCL in CCR units: 1
MCLG: 0
Major sources in drinking water: Discharge from wood preserving factories.
Health effects language: Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

Contaminant (units): Picloram (ppb)
Traditional MCL in mg/L: 0.5
To convert for CCR, multiply by: 1000
MCL in CCR units: 500
MCLG: 500
Major sources in drinking water: Herbicide runoff.
Health effects language: Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Simazine (ppb)
Traditional MCL in mg/L: 0.004
To convert for CCR, multiply by: 1000
MCL in CCR units: 4
MCLG: 4
Major sources in drinking water: Herbicide runoff.
Health effects language: Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

Contaminant (units): Toxaphene (ppb)
Traditional MCL in mg/L: 0.003
To convert for CCR, multiply by: 1000
MCL in CCR units: 3
MCLG: 0
Major sources in drinking water: Runoff/leaching from insecticide used on cotton and cattle.
Health effects language: Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile organic contaminants:

Contaminant (units): Benzene (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5

MCLG: 0
Major sources in drinking water: Discharge from factories; Leaching from gas storage tanks and landfills.
Health effects language: Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

Contaminant (units): Bromate (ppb)
Traditional MCL in mg/L: 0.010
To convert for CCR, multiply by: 1000
MCL in CCR units: 10
MCLG: 0
Major sources in drinking water: By-product of drinking water chlorination.
Health effects language: Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Carbon tetrachloride (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from chemical plants and other industrial activities.
Health effects language: Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): Chloramines (ppm)
Traditional MCL in mg/L: MRDL = 4
To convert for CCR, multiply by: --
MCL in CCR units: MRDL = 4
MCLG: MRDLG = 4
Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

Contaminant (units): Chlorine (ppm)
Traditional MCL in mg/L: MRDL = 4
To convert for CCR, multiply by: --
MCL in CCR units: MRDL = 4

MCLG: MRDLG = 4
Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

Contaminant (units): Chlorite (ppm)
Traditional MCL in mg/L: 1
To convert for CCR, multiply by: --
MCL in CCR units: 1
MCLG: 0.8
Major sources in drinking water: By-product of drinking water chlorination.
Health effects language: Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

Contaminant (units): Chloride dioxide (ppb)
Traditional MCL in mg/L: MRDL = 0.8
To convert for CCR, multiply by: 1000
MCL in CCR units: MRDL = 800
MCLG: MRDLG = 800
Major sources in drinking water: Water additive used to control microbes.
Health effects language: Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

Contaminant (units): Chlorobenzene (ppb)
Traditional MCL in mg/L: 0.1
To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Discharge from chemical and agricultural chemical factories.
Health effects language: Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): o-Dichlorobenzene (ppb)
Traditional MCL in mg/L: 0.6

To convert for CCR, multiply by: 1000
MCL in CCR units: 600
MCLG: 600
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

Contaminant (units): p-Dichlorobenzene (ppb)
Traditional MCL in mg/L: 0.075
To convert for CCR, multiply by: 1000
MCL in CCR units: 75
MCLG: 75
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

Contaminant (units): 1,2-Dichloroethane (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): 1,1-Dichloroethylene (ppb)
Traditional MCL in mg/L: 0.007
To convert for CCR, multiply by: 1000
MCL in CCR units: 7
MCLG: 7
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): cis-1,2-Dichloroethylene (ppb)
Traditional MCL in mg/L: 0.07
To convert for CCR, multiply by: 1000
MCL in CCR units: 70

MCLG: 70
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): trans-1,2-Dichloroethylene (ppb)
Traditional MCL in mg/L: 0.1
To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

Contaminant (units): Dichloromethane (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from pharmaceutical and chemical factories.
Health effects language: Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

Contaminant (units): 1,2-Dichloropropane (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Ethylbenzene (ppb)
Traditional MCL in mg/L: 0.7
To convert for CCR, multiply by: 1000
MCL in CCR units: 700
MCLG: 700
Major sources in drinking water: Discharge from petroleum refineries.
Health effects language: Some people who drink water containing

ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units): Haloacetic Acids (HAA) (ppb)
Traditional MCL in mg/L: 0.060
To convert for CCR, multiply by: 1000
MCL in CCR units: 60
MCLG: N/A
Major sources in drinking water: By-product of drinking water disinfection.
Health effects language: Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Styrene (ppb)
Traditional MCL in mg/L: 0.1
To convert for CCR, multiply by: 1000
MCL in CCR units: 100
MCLG: 100
Major sources in drinking water: Discharge from rubber and plastic factories; leaching from landfills.
Health effects language: Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

Contaminant (units): Tetrachloroethylene (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from factories and cleaners.
Health effects language: Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

Contaminant (units): 1,2,4-Trichlorobenzene (ppb)
Traditional MCL in mg/L: 0.07
To convert for CCR, multiply by: 1000
MCL in CCR units: 70
MCLG: 70
Major sources in drinking water: Discharge from textile-finishing factories.
Health effects language: Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

Contaminant (units): 1,1,1-Trichloroethane (ppb)
Traditional MCL in mg/L: 0.2
To convert for CCR, multiply by: 1000
MCL in CCR units: 200
MCLG: 200
Major sources in drinking water: Discharge from metal degreasing site and other factories.
Health effects language: Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

Contaminant (units): 1,1,2-Trichloroethane (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 3
Major sources in drinking water: Discharge from industrial chemical factories.
Health effects language: Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

Contaminant (units): Trichloroethylene (ppb)
Traditional MCL in mg/L: 0.005
To convert for CCR, multiply by: 1000
MCL in CCR units: 5
MCLG: 0
Major sources in drinking water: Discharge from metal degreasing sites and other factories.
Health effects language: Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

Contaminant (units): TTHMs [Total trihalomethanes] (ppb)
Traditional MCL in mg/L: 0.10/0.080
To convert for CCR, multiply by: 1000
MCL in CCR units: 100/80
MCLG: N/A
Major sources in drinking water: By-product of drinking water chlorination.
Health effects language: Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

Contaminant (units): Toluene (ppm)

Traditional MCL in mg/L: 1
To convert for CCR, multiply by: --
MCL in CCR units: 1
MCLG: 1
Major sources in drinking water: Discharge from petroleum factories.
Health effects language: Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

Contaminant (units): Vinyl Chloride (ppb)
Traditional MCL in mg/L: 0.002
To convert for CCR, multiply by: 1000
MCL in CCR units: 2
MCLG: 0
Major sources in drinking water: Leaching from PVC piping; discharge from plastics factories.
Health effects language: Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units): Xylenes (ppm)
Traditional MCL in mg/L: 10
To convert for CCR, multiply by: --
MCL in CCR units: 10
MCLG: 10
Major sources in drinking water: Discharge from petroleum factories; discharge from chemical factories.
Health effects language: Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

Key:

Abbreviation	Meaning
AL	Action Level
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MFL	million fibers per liter
MRDL	Maximum Residual Disinfectant Level
MRDLG	Maximum Residual Disinfectant Level Goal
mrem/year	millirems per year (a measure of radiation absorbed by the body)
N/A	Not Applicable
NTU	Nephelometric Turbidity Units (a measure of water clarity)
pCi/l	picocuries per liter (a measure of radioactivity)
ppm	parts per million, or milligrams per liter (mg/l)

ppb	parts per billion, or micrograms per liter (g/l)
ppt	parts per trillion, or nanograms per liter
ppq	parts per quadrillion, or picograms per liter
TT	Treatment Technique

~~1) Trichloroethylene.---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid.---It generally gets into drinking water by improper waste disposal.--This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes.--Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time.--USEPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals.---Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.~~

~~2) Carbon tetrachloride.---The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure.--This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes.-----Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time.--USEPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals.--Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.~~

~~3) 1,2-Dichloroethane.--The United States Environmental Protection Agency (USEPA)---sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes, and resins.--It generally gets into drinking water by improper waste disposal.---This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels---over---their lifetimes.---Chemicals that cause cancer in laboratory animals may also increase the risk of cancer in humans who are exposed at lower levels over long periods of time.--USEPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals.~~

Drinking-water-which-meets-this-standard-is-associated-with-little--to none-of-this-risk-and-should-be-considered-safe.

4) Vinyl--chloride.---The--United--States-Environmental-Protection-Agency (USEPA)-sets-drinking-water-standards-and-has--determined--that--vinyl chloride--is--a--health--concern--at-certain-levels-of-exposure.--This chemical-is-used-in-industry-and-is--found--in--drinking--water--as--a result-of-the-breakdown-of-related-solvents.--The-solvents-are-used-as cleaners--and--degreasers--of--metals--and-generally-get-into-drinking water-by-improper-waste-disposal.--This-chemical-has--been--associated with--significantly-increased-risks-of-cancer-among-certain-industrial workers-who-were-exposed-to-relatively-large-amounts-of-this--chemical during--their--working--careers.--This-chemical-has-also-been-shown-to cause-cancer-in-laboratory-animals-when-the--animals--are--exposed--at high-levels-over-their-lifetimes.--Chemicals-that-cause-increased-risk of--cancer--among-exposed-industrial-workers-and-in-laboratory-animals also-may-increase-the-risk-of-cancer-in--humans--who--are--exposed--at lower-levels-over-long-periods-of-time.--USEPA-has-set-the-enforceable drinking--water-standard-for-vinyl-chloride-at-0.002-parts-per-million (ppm)-to-reduce-the-risk-of-cancer-or--other--adverse--health--effects which--have-been-observed-in-laboratory-animals.--Drinking-water-which meets-this-standard-is-associated-with-little-to-none-of-this-risk-and should-be-considered-safe.

5) Benzene.--The-United-States-Environmental--Protection--Agency--(USEPA) sets--drinking--water--standards--and-has-determined-that-benzene-is-a health-concern-at-certain-levels-of-exposure.--This-chemical--is--used as-a-solvent-and-degreaser-of-metals.--It-is-also-a-major-component-of gasoline.--Drinking-water-contamination-generally-results-from-leaking underground--gasoline--and-petroleum-tanks-or-improper-waste-disposal. This-chemical-has-been-associated-with-significantly--increased--risks of--leukemia--among--certain--industrial--workers--who-were-exposed-to relatively--large--amounts--of--this--chemical--during--their--working careers.--This-chemical--has--also--been--shown--to--cause--cancer--in laboratory--animals--when--the-animals-are-exposed-at-high-levels-over their-lifetimes.--Chemicals-that-cause-increased-risk-of-cancer--among exposed-industrial-workers-and-in-laboratory-animals-also-may-increase the-risk-of-cancer-in-humans-who-are-exposed-at-lower-levels-over-long periods--of--time.----USEPA--has--set--the-drinking-water-standard-for benzene-at-0.005-parts-per-million-(ppm)-to-reduce-the-risk-of--cancer or-other-adverse-health-effects-which-have-been-observed-in-humans-and laboratory--animals.---Drinking--water--which--meets--this-standard-is associated-with-little-to-none-of-this-risk-and-should--be--considered safe.

6) 1,1-Dichloroethylene.---The--United--States--Environmental--Protection Agency--(USEPA)--sets-drinking-water-standards-and-has-determined-that 1,1-dichloroethylene--is--a--health--concern--at--certain--levels---of exposure.---This-chemical-is-used-in-industry-and-is-found-in-drinking water-as-a-result-of-the-breakdown-of-related-solvents.--The--solvents are--used--as-cleaners-and-degreasers-of-metals-and-generally-get-into

drinking-water-by-improper-waste-disposal.---This--chemical--has--been shown--to--cause-liver-and-kidney-damage-in-laboratory-animals-such-as rats-and-mice-when-the-animals-are-exposed-at-high-levels--over--their lifetimes.--Chemicals-that-cause-adverse-effects-in-laboratory-animals also--may--cause--adverse--health-effects-in-humans-who-are-exposed-at lower-levels-over-long-periods-of-time.--USEPA-has-set-the-enforceable drinking-water-standard-for-1,1-dichloroethylene-at--0.007--parts--per million-(ppm)-to-reduce-the-risk-of-these-adverse-health-effects-which have--been-observed-in-laboratory-animals.--Drinking-water-which-meets this-standard-is-associated-with-little--to--none--of--this--risk--and should-be-considered-safe.

7) Para-dichlorobenzene.---The--United--States--Environmental--Protection Agency--(USEPA)--sets-drinking-water-standards-and-has-determined-that para-dichlorobenzene--is--a--health--concern--at--certain--levels---of exposure.----This--chemical-is-a-component-of-deodorizers,-moth-balls, and-pesticides.--It-generally-gets-into--drinking--water--by--improper waste--disposal.---This--chemical--has--been--shown-to-cause-liver-and kidney-damage-in-laboratory-animals-such-as-rats--and--mice--when--the animals--are--exposed--at-high-levels-over-their-lifetimes.--Chemicals which-cause-adverse-effects--in--laboratory--animals--also--may--cause adverse--health-effects-in-humans-who-are-exposed-at-lower-levels-over long-periods-of-time.--USEPA-has-set-the--enforceable--drinking--water standard--for-para-dichlorobenzene-at-0.075-parts-per-million-(ppm)-to reduce-the-risk-of--these--adverse--health--effects--which--have--been observed--in--laboratory--animals.---Drinking--water--which-meets-this standard-is-associated-with-little-to-none-of-this-risk-and-should--be considered-safe.

8) 1,1,1-Trichloroethane.---The--United--States--Environmental-Protection Agency-(USEPA)-sets-drinking-water-standards-and-has--determined--that 1,1,1-trichloroethane--is--a--health--concern--at--certain--levels--of exposure.--This-chemical-is-used-as-a-cleaner-and-degreaser-of-metals. It-generally-gets-into-drinking--water--by--improper--waste--disposal. This--chemical-has-been-shown-to-damage-the-liver,-nervous-system,-and circulatory-system-of-laboratory-animals-such-as-rats--and--mice--when the--animals--are--exposed--at-high-levels-over-their-lifetimes.--Some industrial-workers-who-were-exposed-to--relatively--large--amounts--of this-chemical-during-their-working-careers-also-suffered-damage-to-the liver,--nervous-system,-and-circulatory-system.--Chemicals-which-cause adverse-effects-among-exposed-industrial--workers--and--in--laboratory animals--also--may--cause--adverse--health--effects--in-humans-who-are exposed-at-lower-levels-over-long-periods-of-time.--USEPA-has-set--the enforceable--drinking--water-standard-for-1,1,1-trichloroethane-at-0.2 parts-per-million-(ppm)-to-protect-against-the-risk-of--these--adverse health--effects--which--have--been--observed--in--laboratory--animals. Drinking--water-which-meets-this-standard-is-associated-with-little-to none-of-this-risk-and-should-be-considered-safe.

9) Fluoride.--The-U.S.-Environmental-Protection-Agency-requires--that--we send--you-this-notice-on-the-level-of-fluoride-in-your-drinking-water.

The drinking water in your community has a fluoride concentration of {concentration to be provided by supplier} milligrams per liter {mg/l}.

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/l in drinking water. This is an enforceable standard called a Maximum Contaminant Level {MCL}, and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/l for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/l. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/l reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/l may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth {before they erupt from the gums} are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase you water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Bow fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact {name of contact person to be provided by supplier} at your water system.

BOARD NOTE: Derived from 40 CFR 141.32(e)(9) and 143.5 (1998).

10) Microbiological contaminants {for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B or Subpart R of this Part}. The United States Environmental Protection Agency {USEPA} sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered safe.

11) Total coliforms. {To be used when there is a violation of Section 611.325(a) and not a violation of Section 611.325(b)}. The United States Environmental Protection Agency {USEPA} sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease causing bacteria and should be considered safe.

12) Fecal Coliforms/E. coli. {To be used when there is a violation of Section 611.325(b) or both Section 611.325(a) and (b)}. The United States Environmental Protection Agency {USEPA} sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is a serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered

safe.---State--and--local--health-authorities-recommend-that-consumers take-the-following-precautions:--{To-be-inserted-by-the--public--water system,-according-to-instruction-from-State-or-local-authorities}.

13) Lead.---The-United-States-Environmental-Protection-Agency-(USEPA)-sets drinking-water-standards-and-has-determined--that--lead--is--a--health concern--at-certain-exposure-levels.--Materials-that-contain-lead-have frequently-been-used-in-the-construction-of-water-supply--distribution systems,--and--plumbing--systems-in-private-homes-and-other-buildings. The-most-commonly-found-materials-include-service-lines,-pipes,--brass and--bronze-fixtures,-and-solders-and-fluxes.--Lead-in-these-materials can-contaminate-drinking-water-as-a-result-of-the-corrosion-that-takes place-when-water-comes-into-contact-with-those--materials.---Lead--can cause--a--variety--of-adverse-health-effects-in-humans.--At-relatively low-levels-of-exposure,-these-effects-may--include--interference--with red--blood--cell--chemistry,--delays--in--normal--physical--and-mental development-in-babies-and--young--children,--slight--deficts--in--the attention--span,--hearing,--and--learning--abilities--of-children,-and slight-increases-in-blood-pressure-of-some-adults.---USEPA's--national primary-drinking-water-regulation-requires-all-public-water-systems-to optimize--corrosion--control--to-minimize-lead-contamination-resulting from-the--corrosion--of--plumbing--materials.---Public--water--systems serving--50,000-people-or-fewer-that-have-lead-concentrations-below-15 parts-per-billion-(ppb)-in-more-than-90%-of--tap--water--samples--(the USEPA---"action---level")---have--optimized--their--corrosion--control treatment.--Any-water-system-that-exceeds-the-action-level--must--also monitor--their--source--water-to-determine-whether-treatment-to-remove lead-in-source-water-is-needed.--Any-water-system--that--continues--to exceed--the--action--level--after-installation-of-corrosion-control-or source-water-treatment-must-eventually-replace-all-lead-service--lines contributing-in-excess-of-15-ppb-of-lead-to-drinking-water.--Any-water system--that--exceeds--the--action--level-must-also-undertake-a-public education-program-to-inform-consumers-of-ways-they--can--reduce--their exposure-to-potentially-high-levels-of-lead-in-drinking-water.

14) Copper.---The--United--States--Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has--determined--that--copper--is--a health--concern--at--certain-exposure-levels.--Copper,-a-reddish-brown metal,-is-often-used-to-plumb-residential--and--commercial--structures that---are---connected---to---water---distribution---systems.---Copper contaminating-drinking-water-as-a-corrosion-byproduct--occurs--as--the result--of--the--corrosion-of-copper-pipes-that-remain-in-contact-with water-for--a--prolonged--period--of--time.---Copper--is--an--essential nutrient,--but--at--high--doses-it-has-been-shown-to-cause-stomach-and intestinal-distress,-liver-and-kidney--damage,--and--anemia.---Persons with-Wilson's-disease-may-be-at-a-higher-risk-of-health-effects-due-to copper--than--the--general--public.--USEPA's-national-primary-drinking water-regulation-requires-all-public-water-systems-to-install--optimal corrosion--control-to-minimize-copper-contamination-resulting-from-the corrosion-of-plumbing-materials.--Public-water-systems-serving--50,000

people--or--fewer--that-have-copper-concentrations-below-1.3-parts-per million-(ppm)-in-more-than-90%-of-tap-water-samples-(the-USEPA-"action level")-are-not-required-to-install-or-improve-their--treatment.---Any water--system--that--exceeds--the-action-level-must-also-monitor-their source-water-to-determine-whether-treatment-to-remove-copper-in-source water-is-needed.

15) Asbestos.--The-United-States-Environmental-Protection--Agency--(USEPA) sets--drinking-water-standards-and-has-determined-that-asbestos-fibers greater-than-10-micrometers-in-length-are-a-health-concern-at--certain levels--of-exposure.--Asbestos-is-a-naturally-occurring-mineral.---Most asbestos-fibers-in-drinking-water-are--less--than--10--micrometers--in length--and--occur--in--drinking--water--from-natural-sources-and-from corroded-asbestos-cement-pipes-in-the-distribution-system.--The--major uses-of-asbestos-were-in-the-production-of-cements,-floor-tiles,-paper products,-paint,-and-caulking,-in-transportation-related-applications, and--in--the-production-of-textiles-and-plastics.--Asbestos-was-once-a popular-insulating-and-fire-retardant--material.---Inhalation--studies have-shown-that-various-forms-of-asbestos-have-produced-lung-tumors-in laboratory---animals.---The--available--information--on--the--risk--of developing-gastrointestinal-tract-cancer-associated-with-the-ingestion of--asbestos--from--drinking---water---is---limited.----Ingestion---of intermediate-range---chrysolite---asbestos---fibers--greater--than--10 micrometers-in-length-is-associated-with-causing-benign-tumors-in-male rats.--Chemicals-that-cause-cancer--in--laboratory--animals--also--may increase--the--risk--of--cancer--in--humans--who-are-exposed-over-long periods-of-time.--USEPA--has--set--the--drinking--water--standard--for asbestos--at--7--million-long-fibers-per-liter-to-reduce-the-potential risk-of-cancer--or--other--adverse--health--effects--which--have--been observed--in-laboratory-animals.--Drinking-water-which-meets-the-USEPA standard-is-associated-with-little-to-none-of-this-risk-and-should--be considered-safe-with-respect-to-asbestos.

16) Barium.---The--United--States--Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has--determined--that--barium--is--a health-concern-at-certain-levels-of-exposure.--This-inorganic-chemical occurs---naturally---in---some--aquifiers--that--serve--as--sources--of groundwater.--It-is-also-used-in-oil-and-gas-drilling-muds,-automotive paints,-bricks,-tiles,-and-jet-fuels.--It-generally-gets-into-drinking water-after--dissolving--from--naturally--occurring--minerals--in--the ground.---This--chemical-may-damage-the-heart-and-vascular-system,-and is-associated-with-highblood-pressure-in-laboratory--animals--such--as rats--exposed-to-high-levels-during-their-lifetimes.--In-humans,-USEPA believes-that-affects--from-barium-on-blood-pressure-should-not--occur below--2-parts-per-million-(ppm)-in-drinking-water.--USEPA-has-set-the drinking-water-standard-for-barium-at-2-parts--per--million--(ppm)--to protect--against--the--risk-of-these-adverse-health-effects.--Drinking water-that-meets-the-USEPA-standard-is-associated-with-little-to--none of-this-risk-and-is-considered-safe-with-respect-to-barium.

17) Cadmium.---The--United--States-Environmental-Protection-Agency-(USEPA)

sets drinking water standards and has determined that cadmium is a health concern at certain levels of exposure. Food and the smoking of tobacco are common sources of general exposure. This inorganic metal is a contaminant in the metals used to galvanize pipe. It generally gets into water by corrosion of galvanized pipes or by improper waste disposal. This chemical has been shown to damage the kidney in animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the kidney. USEPA has set the drinking water standard for cadmium at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cadmium.

18) Chromium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that chromium is a health concern at certain levels of exposure. This inorganic metal occurs naturally in the ground and is often used in the electroplating of metals. It generally gets into water from runoff from old mining operations and improper waste disposal from plating operations. This chemical has been shown to damage the kidney, nervous system, and the circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels. Some humans who were exposed to high levels of this chemical suffered liver and kidney damage, dermatitis, and respiratory problems. USEPA has set the drinking water standard for chromium at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to chromium.

19) Mercury. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that mercury is a health concern at certain levels of exposure. This inorganic metal is used in electrical equipment and some water pumps. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the kidney of laboratory animals such as rats when the animals are exposed at high levels over their lifetimes. USEPA has set the drinking water standard for mercury at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to mercury.

20) Nitrate. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that nitrate poses an acute health concern at certain levels of exposure. Nitrate is used in fertilizer and is found in sewage and wastes from human or farm animals and generally gets into drinking water from those activities. Excessive levels of nitrate in drinking water have caused serious illness and sometimes death in infants under six months of age. The

serious illness in infants is caused because nitrate is converted to nitrite in the body. Nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly in infants. In most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA has set the drinking water standard at 10 parts per million (ppm) for nitrate to protect against the risk of these adverse effects. USEPA has also set a drinking water standard for nitrite at 1 ppm. To allow for the fact that the toxicity of nitrate and nitrite are additive, USEPA has also established a standard for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to nitrate.

21) Nitrite. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that nitrite poses an acute health concern at certain levels of exposure. This inorganic chemical is used in fertilizers and is found in sewage and wastes from humans or farm animals and generally gets into drinking water as a result of those activities. While excessive levels of nitrite in drinking water have not been observed, other sources of nitrite have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly. However, in most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA has set the drinking water standard at 1 part per million (ppm) for nitrite to protect against the risk of these adverse effects. USEPA has also set a drinking water standard for nitrate (converted to nitrite in humans) at 10 ppm and for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to nitrite.

22) Selenium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that selenium is a health concern at certain high levels of exposure. Selenium is also an essential nutrient at low levels of exposure. This inorganic

chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans, exposure to high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. USEPA has set the drinking water standard for selenium at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to selenium.

23) Acrylamide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that acrylamide is a health concern at certain levels of exposure. Polymers made from acrylamide are sometimes used to treat water supplies to remove particulate contaminants. Acrylamide has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. Sufficiently large doses of acrylamide are known to cause neurological injury. USEPA has set the drinking water standard for acrylamide using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of acrylamide in the polymer and the amount of the polymer which may be added to drinking water to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to acrylamide.

24) Alachlor. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that alachlor is a health concern at certain levels of exposure. This organic chemical is a widely used pesticide. When soil and climatic conditions are favorable, alachlor may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for alachlor at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to alachlor.

25) Aldicarb. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb may leach into groundwater

after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb at 0.003 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb.

26) Aldicarb sulfoxide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb sulfoxide is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfoxide in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfoxide may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb sulfoxide at 0.004 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfoxide.

27) Aldicarb sulfone. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb sulfone is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfone in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfone may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb sulfone at 0.002 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfone.

28) Atrazine. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure. This organic chemical is a herbicide. When soil and climatic conditions are favorable, atrazine may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to affect offspring of rats and the hearts of dogs. USEPA has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none

of this risk and is considered safe with respect to atrazine.

29) Carbofuran. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbofuran is a health concern at certain levels of exposure. This organic chemical is a pesticide. When soil and climatic conditions are favorable, carbofuran may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the nervous and reproductive systems of laboratory animals such as rats and mice exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system. Effects on the nervous system are generally rapidly reversible. USEPA has set the drinking water standard for carbofuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to carbofuran.

30) Chlordane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure. This organic chemical is a pesticide used to control termites. Chlordane is not very mobile in soils. It usually gets into drinking water after application near water supply intakes or wells. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to chlordane.

31) Dibromochloropropane (DBCP). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that DBCP is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, DBCP may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for DBCP at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to DBCP.

32) o-Dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent in the production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system, and circulatory system. USEPA has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to o-dichlorobenzene.

33) cis-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amount of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

34) trans-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that trans-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and the circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for trans-1,2-dichloroethylene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to trans-1,2-dichloroethylene.

35) 1,2-Dichloropropane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that

1,2-dichloropropane is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide. When soil and climatic conditions are favorable, 1,2-dichloropropane may get into drinking water by runoff into surface water or by leaching into groundwater. It may also get into drinking water through improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for 1,2-dichloropropane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,2-dichloropropane.

36) 2,4-D. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.
The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 2,4-D is a health concern at certain levels of exposure. This organic chemical is used as a herbicide and to control algae in reservoirs. When soil and climatic conditions are favorable, 2,4-D may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for 2,4-D at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 2,4-D.

37) Epichlorohydrin. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that epichlorohydrin is a health concern at certain levels of exposure. Polymers made from epichlorohydrin are sometimes used in the treatment of water supplies as a flocculent to remove particulates. Epichlorohydrin generally gets into drinking water by improper use of these polymers. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for epichlorohydrin using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits

the amount of epichlorohydrin in the polymer and the amount of the polymer which may be added to drinking water as a flocculent to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to epichlorohydrin.

38) Ethylbenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined ethylbenzene is a health concern at certain levels of exposure. This organic chemical is a major component of gasoline. It generally gets into water by improper waste disposal or leaking gasoline tanks. This chemical has been shown to damage the kidney, liver, and nervous system of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for ethylbenzene at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to ethylbenzene.

39) Ethylene dibromide (EDB). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that EDB is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, EDB may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for EDB at 0.00005 parts per million (ppm) to reduce the risk of cancer of other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to EDB.

40) Heptachlor. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.
The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that heptachlor is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standards for heptachlor at

0.0004 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor.

41) Heptachlor epoxide. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.
The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that heptachlor epoxide is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor epoxide may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standards for heptachlor epoxide at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor epoxide.

42) Lindane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that lindane is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, lindane may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver, kidney, nervous system, and immune system of laboratory animals such as rats, mice and dogs exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system and circulatory system. USEPA has established the drinking water standard for lindane at 0.0002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to lindane.

43) Methoxychlor. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that methoxychlor is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, methoxychlor may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver, kidney, nervous system, and reproductive system of laboratory animals such as rats exposed at high levels during their lifetimes. It has also been shown to produce growth retardation in rats. USEPA has set the drinking water standard for methoxychlor at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to methoxychlor.

44) Monochlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that monochlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney, and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. USEPA has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking electrical industrial equipment. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

46) Pentachlorophenol. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that pentachlorophenol is a health concern at certain levels of exposure. This organic chemical is widely used as a wood preservative, herbicide, disinfectant, and defoliant. It generally gets into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to produce adverse reproductive effects and to damage the liver and kidneys of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the liver and kidneys. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in

laboratory--animals-also-may-increase-the-risk-of-cancer-in-humans-who are-exposed-over-long-periods-of-time.--USEPA--has--set--the--drinking water--standard-for-pentachlorophenol-at-0.001-parts-per-million-(ppm) to-reduce-the-risk-of-adverse-health--effects.---Drinking--water--that meets-this-standard-is-associated-with-little-to-none-of-this-risk-and is-considered-safe-with-respect-to-pentachlorophenol.

47) Styrene.---The--United--States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined--that--styrene--is--a health--concern--at-certain-levels-of-exposure.--This-organic-chemical is-commonly-used-to-make-plastics-and--is--sometimes--a--component--of resins--used--for--drinking--water--treatment.---Styrene--may-get-into drinking-water-from-improper-waste-disposal.--This-chemical--has--been shown--to--damage--the--liver-and-nervous-system-in-laboratory-animals when-exposed-at-high-levels-during-their-lifetimes.--USEPA-has-set-the drinking-water-standard-for-styrene-at-0.1-parts-per-million-(ppm)--to protect--against--the--risk-of-these-adverse-health-effects.--Drinking water-that-meets-the-USEPA-standard-is-associated-with-little-to--none of-this-risk-and-is-considered-safe-with-respect-to-styrene.

48) Tetrachloroethylene.----The--United--States--Environmental--Protection Agency-(USEPA)-sets-drinking-water-standards-and-has--determined--that tetrachloroethylene-is-a-health-concern-at-certain-levels-of-exposure. This-organic-chemical-has-been-a-popular-solvent,-particularly-for-dry cleaning.---It--generally--gets--into-drinking-water-by-improper-waste disposal.--This-chemical-has-been-shown-to-cause-cancer-in--laboratory animals--such--as--rats--and-mice-when-the-animals-are-exposed-at-high levels--over--their--lifetimes.---Chemicals--that--cause---cancer---in laboratory--animals-also-may-increase-the-risk-of-cancer-in-humans-who are-exposed-over-long-periods-of-time.--USEPA--has--set--the--drinking water--standard--for--tetrachloroethylene--at--0.005-parts-per-million (ppm)-to-reduce-the-risk-of-cancer-or--other--adverse--health--effects which--have--been-observed-in-laboratory-animals.--Drinking-water-that meets-this-standard-is-associated-with-little-to-none-of-this-risk-and is-considered-safe-with-respect-to-tetrachloroethylene.

49) Toluene.--The-United-States-Environmental--Protection--Agency--(USEPA) sets--drinking--water--standards--and-has-determined-that-toluene-is-a health-concern-at-certain-levels-of-exposure.--This--organic--chemical is-used-as-a-solvent-and-in-the-manufacture-of-gasoline-for-airplanes. It--generally--gets--into--water-by-improper-waste-disposal-or-leaking underground-storage-tanks.--This-chemical-has-been-shown-to-damage-the kidney,-nervous-system,-and-circulatory-system-of--laboratory--animals such--as--rats-and-mice-exposed-to-high-levels-during-their-lifetimes. Some-industrial-workers-who-were-exposed-to-relatively--large--amounts of--this--chemical--during-working-careers-also-suffered-damage-to-the liver,-kidney,-and-nervous-system.--USEPA-has-set-the--drinking--water standard--for--toluene--at-1-part-per-million-(ppm)-to-protect-against the-risk-of-these-adverse-health-effects.--Drinking-water--that--meets the--USEPA-standard-is-associated-with-little-to-none-of-this-risk-and is-considered-safe-with-respect-to-toluene.

50) Toxaphene.--The-United-States-Environmental-Protection-Agency--(USEPA) sets--drinking--water-standards-and-has-determined-that-toxaphene-is-a health-concern-at-certain-levels-of-exposure.--This--organic--chemical was---once---a--pesticide--widely--used--on--cotton,--corn,--soybeans, pineapples,-and-other-crops.--When-soil-and--climatic--conditions--are favorable,--toxaphene--may--get--into--drinking--water--by-runoff-into surface-water-or-by-leaching-into-groundwater.--This-chemical-has-been shown-to-cause-cancer-in-laboratory-animals-such-as-rats-and-mice-when the--animals--are--exposed--at--high--levels--over--their---lifetimes. Chemicals--that--caused-cancer-in-laboratory-animals-also-may-increase the-risk-of-cancer-in-humans-who-are--exposed--over--long--periods--of time.----USEPA--has--set--the-drinking-water-standard-for-toxaphene-at 0.003-parts-per-million-(ppm)-to-reduce-the-risk-of--cancer--or--other adverse-health-effects-which-have-been-observed-in-laboratory-animals. Drinking--water--that-meets-this-standard-is-associated-with-little-to none-of-this-risk-and-is-considered-safe-with-respect-to-toxaphene.

51) 2,4,5-TP.--The-United-States-Environmental-Protection--Agency--(USEPA) sets--drinking--water--standards-and-has-determined-that-2,4,5-TP-is-a health-concern-at-certain-levels-of-exposure.--This--organic--chemical is--used--as--a--herbicide.----When--soil--and-climatic-conditions-are favorable,-2,4,5-TP-may-get-into-drinking-water-by-runoff-into-surface water-or-by-leaching-into-groundwater.--This-chemical-has--been--shown to--damage-the-liver-and-kidney-of-laboratory-animals-such-as-rats-and dogs-exposed-to-high-levels-during-their-lifetimes.---Some--industrial workers--who-were-exposed-to-relatively-large-amounts-of-this-chemical during-working-careers-also-suffered-damage--to--the--nervous--system. USEPA--has--set-the-drinking-water-standard-for-2,4,5-TP-at-0.05-parts per-million-(ppm)-to-protect-against-the-risk-of-these-adverse--health effects.----Drinking-water-that-meets-the-USEPA-standard-is-associated with-little-to-none-of-this-risk-and-is-considered-safe--with--respect to-2,4,5-TP.

52) Xylenes.---The--United--States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has--determined--that--xylene--is--a health--concern--at-certain-levels-of-exposure.--This-organic-chemical is-used-in-the-manufacture-of-gasoline-for-airplanes-and-as-a--solvent for--pesticides,-and-as-a-cleaner-and-degreaser-of-metals.--It-usually gets-into-water-by-improper-waste-disposal.--This--chemical--has--been shown--to--damage--the-liver,-kidney,-and-nervous-system-of-laboratory animals-such-as-rats-and-dogs-exposed--to--high--levels--during--their lifetimes.---Some--humans-who-were-exposed-to-relatively-large-amounts of-this-chemical-also-suffered-damage-to-the--nervous--system.---USEPA has-set-the-drinking-water-standard-for-xylene-at-10-parts-per-million (ppm)--to--protect--against--the-risk-of-these-adverse-health-effects. Drinking-water-that-meets-the-USEPA-standard-is-associated-with-little to-none-of-this-risk-and-is-considered-safe-with-respect-to-xylene.

53) Antimony.--The-United-States-Environmental-Protection--Agency--(USEPA) sets--drinking--water--standards-and-has-determined-that-antimony-is-a health-concern-at-certain-levels-of-exposure.--This-inorganic-chemical

occurs naturally in soils, ground water, and surface water and is often used in the flame retardant industry. It is also used in ceramics and glass, batteries, fireworks, and explosives. It may get into drinking water through natural weathering of rock, industrial production, municipal waste disposal, or manufacturing processes. This chemical has been shown to decrease longevity, and altered blood levels of cholesterol and glucose in laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for antimony at 0.006 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to antimony.

54) Beryllium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that beryllium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, groundwater, and surface water and is often used in electrical equipment and electrical components. It generally gets into water from runoff from mining operations, discharge from processing plants, and improper waste disposal. Beryllium compounds have been associated with damage to the bones and lungs and induction of cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. There is limited evidence to suggest that beryllium may pose a cancer risk via drinking water exposure. Therefore, USEPA based the health assessment on noncancer effects with and extra uncertainty factor to account for possible carcinogenicity. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for beryllium at 0.004 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to beryllium.

55) Cyanide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that cyanide is a health concern at certain levels of exposure. This inorganic chemical is used in electroplating, steel processing, plastics, synthetic fabrics, and fertilizer products. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the spleen, brain, and liver of humans fatally poisoned with cyanide. USEPA has set the drinking water standard for cyanide at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cyanide.

56) Nickel. This subsection corresponds with 40 CFR 141.32(e)(56) marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.

57) Thallium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that thallium is a health concern at certain high levels of exposure. This inorganic chemical occurs naturally in soils, groundwater, and surface water and is used in electronics, pharmaceuticals, and the manufacture of glass and alloys. This chemical has been shown to damage the kidney, liver, brain, and intestines of laboratory animals when the animals are exposed to high levels during their lifetimes. USEPA has set the drinking water standard for thallium at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to thallium.

58) Benzo(a)pyrene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that benzo(a)pyrene is a health concern at certain levels of exposure. Cigarette smoke and charbroiled meats are common sources of general exposure. The major source of benzo(a)pyrene in drinking water is the leaching from coal tar lining and sealants in water storage tanks. This chemical has been shown to cause cancer in animals such as rats and mice when the animals are exposed to high levels. USEPA has set the drinking water standard for benzo(a)pyrene at 0.0002 parts per million (ppm) to protect against the risk of cancer. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to benzo(a)pyrene.

59) Dalapon. The United States Environemental Protection Agency (USEPA) sets drinking water standards and has determined that dalapon is a health concern at certain levels of exposure. This organic chemical is a widely used herbicide. It may get into drinking water after application to control grasses in crops, drainage ditches, and along railroads. This chemical has been associated with damage to the kidney and liver in laboratory animals when the animals are exposed to high levels during their lifetimes. USEPA has set the drinking water standard for dalapon at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to dalapon.

60) Dichloromethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that dichloromethane (methylene chloride) is a health concern at certain levels of exposure. This organic chemical is a widely used solvent. It is used in the manufacturer of paint remover, as a metal degreaser, and as an aerosol propellant. It generally gets into water after improper discharge of waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for dichloromethane at 0.005 parts per million (ppm) to protect against the risk of cancer or other

adverse-health-effects.--Drinking-water-that-meets-the-USEPA--standard is--associated-with-little-to-none-of-this-risk-and-is-considered-safe with-respect-to-dichloromethane.

61) Di(2-ethylhexyl)adipate.--The-United-States--Environmental--Protection Agency--(USEPA)--sets-drinking-water-standards-and-has-determined-that di(2-ethylhexyl)adipate-is-a--health--concern--at--certain--levels--of exposure.----Di(2-ethylhexyl)adipate-is-a-widely-used-plasticizer-in-a variety--of--products,--including--synthetic--rubber,--food--packaging material,-and--cosmetics.---It--may--get--into--drinking--water--after improper--waste--disposal.--This-chemical-has-been-shown-to-damage-the liver-and-tests-in-laboratory-animals-such-as-rats-and-mice--when--the animals--are-exposed-to-high-levels.--USEPA-has-set-the-drinking-water standard-for-di(2-ethylhexyl)adipate-at-0.4-parts-per-million-(ppm)-to protect-against-the-risk-of-adverse--health--effects--that--have--been observed--in--laboratory-animals.--Drinking-water-that-meets-the-USEPA standard-is-associated-with--little--to--none--of--this--risk--and--is considered-safe-with-respect-to-di(2-ethylhexyl)adipate.

62) Di(2-ethylhexyl)phthalate.--The-United-States-Environmental-Protection Agency--(USEPA)--sets-drinking-water-standards-and-has-determined-that di(2-ethylhexyl)phthalate-is-a-health-concern--at--certain--levels--of exposure.----Di(2-ethylhexyl)phthalate--is--a-widely-used-plasticizer, which-is-primarily-used-in-the-production-of-polyvinyl-chloride--(PVC) resins.--It-may-get-into-drinking-water-after-improper-waste-disposal. This--chemical--has--been--shown-to-cause-cancer-in-laboratory-animals such-as-rats-and-mice-when-the-animals--are--exposed--to--high--levels during-their-lifetimes.--USEPA-has-set-the-drinking-water-standard-for di(2-ethylhexyl)phthalate--at-0.006-parts-per-million-(ppm)-to-protect against-the-risk-of-cancer-or-other-adverse-health-effects-which--have been--observed--in--laboratory-animals.--Drinking-water-that-meets-the USEPA-standard-is-associated-with-little-to-none-of-this-risk--and--is considered-safe-with-respect-to-di(2-ethylhexyl)phthalate.

63) Dinoseb.---The--United--States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined--that--dinoseb--is--a health--concern--at--certain--levels-of-exposure.--Dinoseb-is-a-widely used-pesticide-and-generally-gets--into--water--after--application--on orchards,-vineyards,-and-other-crops.--This-chemical-has-been-shown-to damage--the-thyroid-and-reproductive-organs-in-laboratory-animals-such as-rats-exposed-to-high-levels.--USEPA--has--set--the--drinking--water standard--for--dinoseb--at--0.007--parts--per-million-(ppm)-to-protect against-the-risk-of-these-adverse-health-effects.--Drinking-water-that meets-the-USEPA-standard-is-associated-with-little--to--none--of--this risk-and-is-considered-safe-with-respect-to-dinoseb.

64) Diquat.---The--United--States--Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has--determined--that--diquat--is--a health--concern--at-certain-levels-of-exposure.--This-organic-chemical is-a-herbicide-used-to-control-terrestrial-and-aquatic-weeds.--It--may get--into--drinking-water-by-runoff-into-surface-water.--This-chemical has-been-shown-to-damage-the-liver,-kidney,-and-gastrointestinal-tract

and-causes-cataract-formation-in-laboratory-animals-such-as--dogs--and rats--exposed--at-high-levels-over-their-lifetimes.--USEPA-has-set-the drinking-water-standard-for-diquat-at-0.02-parts-per-million-(ppm)--to protect--against--the--risk-of-these-adverse-health-effects.--Drinking water-that-meets-the-USEPA-standard-is-associated-with-little-to--none of-this-risk-and-is-considered-safe-with-respect-to-diquat.

65) Endothall.---The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-endothall--is--a health--concern--at-certain-levels-of-exposure.--This-organic-chemical is-a-herbicide-used-to-control-terrestrial-and-aquatic-weeds.--It--may get--into--drinking-water-by-runoff-into-surface-water.--This-chemical has-been-shown-to-damage-the-liver,--kidney,--gastrointestinal--tract, and--reproductive--system--of-laboratory-animals-such-as-rats-and-mice exposed-at-high-levels-over--their--lifetimes.----USEPA--has--set--the drinking--water--standard-for-endothall-at-0.1-parts-per-million-(ppm) to-protect-against-the-risk-of-these-adverse-health-effects.--Drinking water-that-meets-the-USEPA-standard-is-associated-with-little-to--none of-this-risk-and-is-considered-safe-with-respect-to-endothall.

66) Endrin.---The--United--States--Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has--determined--that--endrin--is--a health--concern--at-certain-levels-of-exposure.--This-organic-chemical is-a-pesticide-no-longer-registered-for--use--in--the--United--States. However,-this-pesticide-is-persistent-in-treated-soils-and-accumulates in-sediments-and-aquatic-and-terrestrial-biota.-This-chemical-has-been shown--to--cause--damage-to-the-liver,-kidney,-and-heart-in-laboratory animals-such-as-rats-and-mice-when-the-animals--are--exposed--to--high levels--during--their--lifetimes.---USEPA--has--set-the-drinking-water standard-for-endrin-at--0.002--parts--per--million--(ppm)--to--protect against--the--risk--of--these--adverse--health--effects-that-have-been observed-in-laboratory-animals.--Drinking-water-that-meets--the--USEPA standard--is--associated--with--little--to--none--of--this-risk-and-is considered-safe-with-respect-to-endrin.

67) Glyphosate.--The-United-States-Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has-determined-that-glyphosate-is--a health--concern--at-certain-levels-of-exposure.--This-organic-chemical is-a-herbicide-used-to-control-grasses-and-weeds.---It--may--get--into drinking--water--by-runoff-into-surface-water.--This-chemical-has-been shown-to-cause-damage-to-the-liver-and-kidneys-in--laboratory--animals such--as--rats--and--mice--when-the-animals-are-exposed-to-high-levels during-their-lifetimes.--USEPA--has-set-the--drinking--water--standard for-glyphosate-at-0.7-parts-per-million-(ppm)-to-protect-against-their risk--of--these-adverse-health-effects.--Drinking-water-that-meets-the USEPA--standard-is-associated-with-little-to-none-of-this-risk-and--is considered-safe-with-respect-to-glyphosate.

68) Hexachlorobenzene.---The-United-States-Environmental-Protection-Agency (USEPA)--sets--drinking--water--standards--and--has--determined---that hexachlorobenzene--is--a-health-concern-at-certain-levels-of-exposure. This-organic-chemical-is-produced-as-an-impurity-in-the-manufacture-of

certain-solvents-and-pesticides.--This--chemical--has--been--shown--to cause--cancer--in--laboratory--animals--such-as-rats-and-mice-when-the animals-are-exposed-to-high-levels-during-their-lifetimes.---Chemicals that--cause-cancer-in-laboratory-animals-also-may-increase-the-risk-of cancer-in-humans-who-are-exposed-over-long-periods-of-time.--USEPA-has set-the-drinking-water-standard-for-hexachlorobenzene-at--0.001--parts per--million--(ppm)--to--protect--against-the-risk-of-cancer-and-other adverse-health-effects.--Drinking-water-that-meets-the-USEPA--standard is--associated-with-little-to-none-of-this-risk-and-is-considered-safe with-respect-to-hexachlorobenzene.

69) Hexachlorocyclopentadiene.--The-United-States-Environmental-Protection Agency-(USEPA)-sets-drinking-water-standards-and-has--determined--that hexachlorocyclopentadiene--is--a--health--concern-at-certain-levels-of exposure.--This-organic-chemical-is-a-used-as-an-intermediate--in--the manufacture-of-pesticides-and-flame-retardants.--It-may-get-into-water by-discharge-from-production-facilities.--This-chemical-has-been-shown to--damage--the--kidney--and--the--stomach--of-laboratory-animals-when exposed-to-high-levels-during-their--lifetimes.---USEPA--has--set--the drinking--water--standard--for-hexachlorocyclopentadiene-at-0.05-parts per-million-(ppm)-to-protect-against-the-risk-of-these-adverse--health effects.---Drinking--water-that-meets-the-USEPA-standard-is-associated with-little-to-none-of-this-risk-and-is-considered-safe--with--respect to-hexachlorocyclopentadiene.

70) Oxamyl.---The--United--States--Environmental-Protection-Agency-(USEPA) sets-drinking-water-standards-and-has--determined--that--oxamyl--is--a health--concern--at-certain-levels-of-exposure.--This-organic-chemical is-used-as-a-pesticide-for-the-control-of-insects-and-other-pests.--It may-get-into-drinking-water-by-runoff-into-surface-water--or--leaching into--groundwater.--This-chemical-has-been-shown-to-damage-the-kidneys of-laboratory-animals-such-as-rats-when-exposed-at-high-levels--during their-lifetimes.--USEPA-has-set-the-drinking-water-standard-for-oxamyl at--0.2--parts--per-million-(ppm)-to-protect-against-the-risk-of-these adverse-health-effects.--Drinking-water-that-meets-the-USEPA--standard is--associated-with-little-to-none-of-this-risk-and-is-considered-safe with-respect-to-oxamyl.

71) Picloram.--The-United-States-Environmental-Protection--Agency--(USEPA) sets--drinking--water--standards-and-has-determined-that-picloram-is-a health-concern-at-certain-levels-of-exposure.--This--organic--chemical is--used--as--a-pesticide-for-broadleaf-weed-control.--It-may-get-into drinking--water--by--runoff--into--surface--water--or--leaching---into groundwater--as--a--result-of-pesticide-application-and-improper-waste disposal.--This-chemical-has-been-shown-to-cause-damage-to-the-kidneys and-liver-in-laboratory-animals-such-as--rats--when--the--animals--are exposed--to--high--levels--during--their-lifetimes.--USEPA-has-set-the drinking-water-standard-for-picloram-at-0.5-parts-per-million-(ppm)-to protect-against-the-risk-of-these-adverse--health--effects.---Drinking water--that-meets-the-USEPA-standard-is-associated-with-little-to-none of-this-risk-and-is-considered-safe-with-respect-to-picloram.

72) Simazine.--The-United-States-Environmental-Protection--Agency--(USEPA) sets--drinking--water--standards-and-has-determined-that-simazine-is-a health-concern-at-certain-levels-of-exposure.--This--organic--chemical is-a-herbicide-used-to-control-annual-grasses-and-broadleaf-weeds.--It may--leach--into--groundwater--or--run--off--into--surface-water-after application.--This-chemical-may-cause--cancer--in--laboratory--animals such--as--rats--and--mice--when-the-animals-are-exposed-to-high-levels during-their-lifetimes.--Chemicals-that--cause--cancer--in--laboratory animals-also-may-increase-the-risk-of-cancer-in-humans-who-are-exposed over--long-periods-of-time.--USEPA-has-set-the-drinking-water-standard for-simazine-at-0.004-parts-per-million-(ppm)-to-reduce--the--risk--of cancer-or-adverse-health-effects.--Drinking-water-that-meets-the-USEPA standard--is--associated--with--little--to--none--of--this-risk-and-is considered-safe-with-respect-to-simazine.

73) 1,2,4-Trichlorobenzene.--The-United--States--Environmental--Protection Agency--(USEPA)--sets-drinking-water-standards-and-has-determined-that 1,2,4-trichlorobenzene-is--a--health--concern--at--certain--levels--of exposure.---This--organic--chemical--is-used-as-a-dye-carrier-and-as-a precursor-in-herbicide-manufacture.--It-generally-gets--into--drinking water-by-discharge-from-industrial-activities.--This-chemical-has-been shown-to-cause-damage-to-several-organs,-including-the-adrenal-glands. USEPA--has--set-the-drinking-water-standard-for-1,2,4-trichlorobenzene at-0.07-parts-per-million-(ppm)-to-protect-against-the-risk--of--these adverse--health-effects.--Drinking-water-that-meets-the-USEPA-standard is-associated-with-little-to-none-of-this-risk-and-is-considered--safe with-respect-to-1,2,4-trichlorobenzene.

74) 1,1,2-Trichloroethane.---The--United--States--Environmental-Protection Agency-(USEPA)-sets-drinking-water-standards-and-has--determined--that 1,1,2-trichloroethane--is--a--health--concern--at--certain--levels--of exposure.---This-organic-chemical-is-an-intermediate-in-the-production of-1,1-dichloroethylene.--It-generally-gets-into-water--by--industrial discharge--of--wastes.---This--chemical--has--been-shown-to-damage-the kidney-and-liver-of-laboratory-animals-such-as-rats--exposed--to--high levels--during--their--lifetimes.---USEPA--has--set-the-drinking-water standard-for-1,1,2-trichloroethane-at-0.005-parts-per-million-(ppm)-to protect-against-the-risk-of-these-adverse--health--effects.---Drinking water--that-meets-the-USEPA-standard-is-associated-with-little-to-none of---this---risk---and---is---considered---safe---with---respect----to 1,1,2-trichloroethane.

75) 2,3,7,8-TCDD--(dioxin).----The--United--States-Environmental-Protection Agency-(USEPA)-sets-drinking-water-standards-and-has--determined--that dioxin--is--a--health--concern--at--certain--levels-of-exposure.--This organic-chemical-is-an-impurity-in-the-production-of-some--pesticides. It--may--get--into--drinking--water-by-industrial-discharge-of-wastes. This-chemical-has-been-shown-to-cause--cancer--in--laboratory--animals such--as--rats--and--mice--when-the-animals-are-exposed-to-high-levels during-their-lifetimes.--Chemicals-that--cause--cancer--in--laboratory animals-also-may-increase-the-risk-of-cancer-in-humans-who-are-exposed

over--long-periods-of-time.--USEPA-has-set-the-drinking-water-standard for-dioxin-at-0.00000003-parts-per-million-(ppm)--to--protect--against the--risk--of--cancer-or-other-adverse-health-effects.--Drinking-water that-meets-the-USEPA-standard-is-associated-with--little--to--none--of this-risk-and-is-considered-safe-with-respect-to-dioxin.

76) Chlorine.---The-USEPA-sets-drinking-water-standards-and-has-determined that-chlorine-is-a-health--concern--at--certain--levels--of--exposure. Chlorine-is-added-to-drinking-water-as-a-disinfectant-to-kill-bacteria and--other-disease-causing-microorganisms-and-is-also-added-to-provide continuous---disinfection---throughout---the---distribution----system. Disinfection--is-required-for-surface-water-systems.--However,-at-high doses-for-extended-periods-of-time,-chlorine-has-been-shown-to--affect blood--and--the-liver-in-laboratory-animals.--USEPA-has-set-a-drinking water-standard-for-chlorine-to--protect--against--the--risk--of--these adverse--effects.---Drinking--water-which-meets-this-USEPA-standard-is associated-with-little-to-none-of-this-risk-and-should--be--considered safe-with-respect-to-chlorine.

77) Chloramines.----The--USEPA--sets--drinking--water--standards--and--has determined-that-chloramines-are-a-health-concern-at-certain-levels--of exposure.-Chloramines-are-added-to-drinking-water-as-a-disinfectant-to kill--bacteria--and--other-disease-causing-microorganisms-and-are-also added-to-provide-continuous-disinfection-throughout--the--distribution system.--Disinfection-is-required-for-surface-water-systems.--However, at--high--doses--for--extended--periods-of-time,-chloramines-have-been shown-to-affect-blood-and-the-liver-in-laboratory-animals.--USEPA--has set--a--drinking-water-standard-for-chloramines-to-protect-against-the risk-of-these-adverse-effects.--Drinking-water-which-meets-this--USEPA standard--is-associated-with-little-to-none-of-this-risk-and-should-be considered-safe-with-respect-to-chloramines.

78) Chlorine-dioxide.--The-USEPA-sets-drinking--water--standards--and--has determined-that-chlorine-dioxide-is-a-health-concern-at-certain-levels of--exposure.---Chlorine--dioxide--is--used-in-water-treatment-to-kill bacteria-and-other-disease-causing-microorganisms-and-can-be--used--to control--tastes-and-odors.--Disinfection-is-required-for-surface-water systems.--However,-at-high-doses,--chlorine--dioxide-treated--drinking water--has--been--shown--to-affect-blood-in-laboratory-animals.--Also, high-levels--of--chlorine--dioxide--given--to--laboratory--animals--in drinking--water--have--been-shown-to-cause-neurological-effects-on-the developing-nervous-system.--These-neurodevelopmental-effects-may-occur as-a-result-of-a-short-term-excessive-chlorine-dioxide--exposure.---To protect--against--such--potentially--harmful-exposures,-USEPA-requires chlorine-dioxide-monitoring-at-the-treatment-plant,-where-disinfection occurs,-and--at--representative--points--in--the--distribution--system serving--water--users.---USEPA--has--set-a-drinking-water-standard-for chlorine-dioxide-to-protect-against-the-risk-of-these-adverse-effect. Note:--In-addition-to--the--language--in--this--introductory--text--of subsection---(78),---systems--must--include--either--the--language--in subsection-(78)(a)-or--(78)(b)--of--this--Appendix.---Systems--with--a

violation--at-the-treatment-plant,-but-not-in-the-distribution-system, are-required-to-use-the-language-in-subsection-(78)(a)-and--treat--the violation--as--a--nonacute-violation.--Systems-with-a-violation-in-the distribution-system-are-required-to-use--the--language--in--subsection (78)(b)--of--this--Appendix--and--treat--the--violation--as--an--acute violation.

a) The--chlorine-dioxide-violations-reported-today-are-the-result-of exceedences-at-the-treatment-facility-only,-and--do--not--include violations--within--the-distribution-system-serving-users-of-this water-supply.--Continued-compliance-with-chlorine-dioxide--levels within--the--distribution--system-minimizes-the-potential-risk-of these-violations-to-present-consumers.

b) The--chlorine---dioxide---violations---reported---today---include exceedences--of-the-USEPA-standard-within-the-distribution-system serving-water-users.--Violations-of-the-chlorine-dioxide-standard within-the-distribution-system-may-harm--human--health--based--on short-term--exposures.--Certain-groups,-including-pregnant-women, infants,-and-young-children,-may--be--especially--susceptible--to adverse--effects-of-excessive-exposure-to-chorine-dioxide-treated water.--The-purpose-of-this-notice-is-to-advise-that-such-persons should-consider-reducing-their-risk-of-adverse-effects-from-these chlorine-dioxide-violations-by-seeking-alternate-sources-of-water for-human--consumption--until--such--exceedences--are--rectified. Local--and--State--health--authorities--are--the-best-sources-for information-concerning-alternate-drinking-water.

79) Disinfection-byproducts-(DBPs)-and-treatment-technique-for-DBPs.---The USEPA--sets--drinking-water-standards-and-requires-the-disinfection-of drinking-water.---However,-when--used--in--the--treatment--of--drinking water,---disinfectants--react--with--naturally-occurring--organic--and inorganic--matter--present--in--water---to---form---chemicals---called disinfection-byproducts-(DBPs).--USEPA-has-determined-that-a-number-of DBPs--are--a--health--concern--at-certain-levels-of-exposure.--Certain DBPs,-including-some-trihalomethanes-(THMs)-and-some-haloacetic--acids (HAAs),--have-been-shown-to-cause-cancer-in-laboratory-animals.--Other DBPs-have-been-shown-to-affect-the-liver-and-the-nervous--system,--and cause--reproductive--or--developmental--effects-in-laboratory-animals. Exposure-to-certain-DBPs-may-produce-similar-effects-in-people.--USEPA has-set-standards-to-limit-exposure-to-THMs,-HAAs,-and-other-DBPs.

80) Bromate.--The-USEPA-sets-drinking-water-standards-and--has--determined that--bromate--is--a--health--concern--at--certain-levels-of-exposure. Bromate-is-formed-as-a-byproduct-of--ozone--disinfection--of--drinking water.---Ozone-reacts-with-naturally-occurring-bromide-in-the-water-to form-bromate.--Bromate-has-been--shown--to--produce--cancer--in--rats. USEPA-has-set-a-drinking-water-standard-to-limit-exposure-to-bromate.

81) Chlorite.---The-USEPA-sets-drinking-water-standards-and-has-determined that-chlorite-is-a-health--concern--at--certain--levels--of--exposure. Chlorite--is-formed-from-the-breakdown-of-chlorine-dioxide,-a-drinking water-disinfectant.--Chlorite-in-drinking--water--has--been--shown--to

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~~affect--blood--and--the--developing--nervous--system.--USEPA-has-set-a drinking-water-standard-for-chlorite-to-protect-against-these-effects. Drinking-water-which-meets-this-standard-is-associated-with-little--to none--of--these--risks--and--should-be-considered-safe-with-respect-to chlorite.~~

~~BOARD-NOTE:--Derived-from-40-CFR-141.32(e)-(1998).~~

(Source: Former Section 611.Appendix A repealed, new Section 611.Appendix A adopted at 25 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX E Mandatory Lead Public Education Information for Community Water Systems

1) INTRODUCTION

The United States Environmental Protection Agency (USEPA ~~EPA~~) and [insert name of water supplier] are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels about the USEPA ~~EPA~~ action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own ~~control~~ if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

2) HEALTH EFFECTS OF LEAD

Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

3) LEAD IN DRINKING WATER

A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up to 20 percent or more of person's total exposure to lead.

B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system

and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

4) STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

A) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].

B) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

i) Let the water run from the tap before using it for drinking or cooking any time the water in the faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than [insert a cost estimate based on flushing two times a day for 30 days] per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and

for advice on reducing the lead level.

ii) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.

iii) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from 3 to 5 minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.

iv) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify your State [insert name of department responsible for enforcing the Safe Drinking Water Act in your State] about the violation.

v) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the city's record of building permits which should be maintained in the files of the [insert name of department that issues building permits]. A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line that we own. If the line is only partially owned ~~controlled~~ by the [insert name of the city, county, or water system that controls the line], we are required to provide the owner of the privately-owned portion of the line ~~you~~ with information on how to replace the privately-owned ~~your~~ portion of the service line, and offer to replace that portion of the line at the owner's ~~your~~ expense ~~and take a follow up tap water sample within 14 days of the replacement~~. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps that you can take to minimize exposure to any temporary increase in lead levels which may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial replacement, and to mail or otherwise provide you with the

results of that sample within three business days of receiving the results. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.

vi) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

C) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:

i) Purchase or lease a home treated device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.

ii) Purchase bottled water for drinking and cooking.

D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include the following:

i) [insert the name of city or county department of public utilities] at [insert phone number] can provide you with information about your community's water supply, and a list of local laboratories that have been certified by EPA for testing water quality;

ii) [insert the name of city or county department that issues building permits] at [insert phone number] can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and

iii) [insert the name of the State Department of Public Health] at [insert phone number] or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead and how you can have your child's blood tested.

E) The following is a list of some State-approved laboratories in your area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories].

BOARD NOTE: Derived from 40 CFR 141.85(a)(1) (1999), as renumbered and amended at 65 Fed. Reg. 2005 (Jan. 12, 2000) ~~(1992)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 611.APPENDIX F Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems ~~Converting Maximum Contaminant Level (MCL) Compliance Values for Consumer Confidence Reports~~ ~~Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems~~

1) INTRODUCTION

The United States Environmental Protection Agency (USEPA) and [insert name of water supplier] are concerned about lead in your drinking water. Some drinking water samples taken from this this facility have lead levels above the USEPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

2) HEALTH EFFECTS OF LEAD

Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells, and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

3) LEAD IN DRINKING WATER

A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

4) STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

A) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one gallon.

B) Do not cook with or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it.

C) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include the following:

i) [insert the name or title of facility official if appropriate] at [insert phone number] can provide you with information about your facility's water supply; and

ii) [insert the name of the State Department of Public Health] at [insert phone number] or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead.

BOARD NOTE: Derived from 40 CFR 141.85(a)(2), as added at 65 Fed. Reg. 2006 (Jan. 12, 2000). The Department of Public Health (Department) regulates non-community water supplies, including non-transient, non-community water supplies. The Department has incorporated this Part into its regulations at 77 Ill. Adm. Code 900.15(a)(2)(A) and 900-20(k)(2). Thus, the Board has included

the notice language of 40 CFR 141.85(a)(2) as this Section for the purposes of facilitating federal review and authorization of the Illinois drinking water regulations.

Key

AL	= Action Level
MCL	= Maximum Contaminant Level
MCLG	= Maximum Contaminant Level Goal
MFL	= million fibers per liter
mrem/year	= millirems per year (a measure of radiation absorbed by the body)
NTU	= Nephelometric Turbidity Units
pCi/L	= picocuries per liter (a measure of radioactivity)
ppm	= parts per million, or milligrams per liter (mg/L)
ppb	= parts per billion, or micrograms per liter (ug/L)
ppt	= parts per trillion, or nanograms per liter
ppq	= parts per quadrillion, or picograms per liter
TT	= Treatment Technique

Contaminant (units)	MCLG	MCL	Major sources in drinking water
Microbiological Contaminants			
1. Total Coliform Bacteria	0	(systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive sample	Naturally present in the environment
2. Fecal coliform and E. coli	0	A routine sample and a repeat sample are fecal coliform positive, and one is also fecal coliform or E. coli positive	Human and animal fecal waste
3. Turbidity	n/a	TT	Soil runoff
Radioactive Contaminants			
4. Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man made deposits
5. Alpha emitters (pCi/L)	0	15	Erosion of natural deposits
6. Combined radium (pCi/L)	0	5	Erosion of natural deposits
Inorganic Contaminants			
7. Antimony (ppb)	6	6	Discharge from petroleum refineries; Fire retardants; Ceramics; Electronics; Solder
8. Arsenic (ppb)	n/a	50	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes
9. Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits
10. Barium (ppm)	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits
11. Beryllium (ppb)	4	4	Discharge from metal refineries and coal burning factories; Discharge from electrical, aerospace, and defense industries
12. Cadmium (ppb)	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff

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			from waste batteries and paints
13. Chromium (ppb)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits
14. Copper (ppm)	1.3	AL=1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
15. Cyanide (ppb)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories
16. Fluoride (ppm)	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories
17. Lead (ppb)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits
18. Mercury (inorganic) (ppb)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland
19. Nitrate (as Nitrogen) (ppm)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits
20. Nitrite (as Nitrogen) (ppm)	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits

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21. Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines
22. Thallium (ppb)	0.5	2	Leaching from ore processing sites; Discharge from electronics, glass, and drug factories
Synthetic Organic Contaminants Including Pesticides and Herbicides			
23. 2,4-D (ppb)	70	70	Runoff from herbicide used on row crops
24. 2,4,5-TP (Silvex) (ppb)	50	50	Residue of banned herbicide
25. Acrylamide	0	TT	Added to water during sewage/wastewater treatment
26. Alachlor (ppb)	0	2	Runoff from herbicide used on row crops
27. Atrazine (ppb)	3	3	Runoff from herbicide used on row crops
28. Benzo(a)pyrene (PAH) (nanograms/L)	0	200	Leaching from linings of water storage tanks and distribution lines
29. Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa
30. Chlordane (ppb)	0	2	Residue of banned termiticide
31. Dalapon (ppb)	200	200	Runoff from herbicide used on rights of way
32. Di(2-ethylhexyl) adipate (ppb)	400	400	Discharge from chemical factories
33. Di(2-ethylhexyl) phthalate (ppb)	0	6	Discharge from rubber and chemical factories

34.--Dibromochloro-propane-(ppt)	0	200	Runoff/leaching-from soil-fumigant-used-on soybeans,-cotton,-pine-apples,-and-orchards
35.--Dinoseb-(ppb)	7	7	Runoff-from-herbicide used-on-soybeans-and vegetables
36.--Diquat-(ppb)	20	20	Runoff-from-herbicide use
37.--Dioxin-(2,3,7,8-TCDD)-(ppq)	0	30	Emissions-from-waste incineration-and-other combustion;-Discharge from-chemical-factories
38.--Endothall-(ppb)	100	100	Runoff-from-herbicide use
39.--Endrin-(ppb)	2	2	Residue-of-banned insecticide
40.--Epichlorohydrin	0	TT	Discharge-from-industrial chemical-factories;-An impurity-of-some-water treatment-chemicals
41.--Ethylene-dibromide-(ppt)	0	50	Discharge-from-petroleum refineries
42.--Glyphosate-(ppb)	700	700	Runoff-from-herbicide use
43.--Heptachlor-(ppt)	0	400	Residue-of-banned termiticide
44.--Heptachlor epoxide-(ppt)	0	200	Breakdown-of-heptachlor
45.--Hexachlorobenzene-(ppb)	0	1	Discharge-from-metal refineries-and-agricultural-chemical factories
46.--Hexachlorocyclopentadiene-(ppb)	50	50	Discharge-from-chemical factories

47.--Lindane-(ppt)	200	200	Runoff/leaching-from insecticide-used-on cattle,-lumber,-gardens
48.--Methoxychlor-(ppb)	40	40	Runoff/leaching-from insecticide-used-on fruits,-vegetables, alfalfa,-livestock
49.--Oxamyl-(Vydate)-(ppb)	200	200	Runoff/leaching-from insecticide-used-on apples,-potatoes,-and tomatoes
50.--PCBs-(Polychlorinated-biphenyls)-(ppt)	0	500	Runoff-from-landfills; Discharge-of-waste chemicals
51.--Pentachlorophenol-(ppb)	0	1	Discharge-from-wood preserving-factories
52.--Picloram-(ppb)	500	500	Herbicide-runoff
53.--Simazine-(ppb)	4	4	Herbicide-runoff
54.--Toxaphene-(ppb)	0	3	Runoff/leaching-from insecticide-used-on cotton-and-cattle
Volatile-Organic Contaminants			
55.--Benzene-(ppb)	0	5	Discharge-from-factories; leaching-from-gas-storage tanks-and-landfills
56.--Carbon-tetrachloride-(ppb)	0	5	Discharge-from-chemical plants-and-other-industrial activities
57.--Chlorobenzene-(ppb)	100	100	Discharge-from-chemical and-agricultural-chemical factories
58.--o-Dichlorobenzene-(ppb)	600	600	Discharge-from-industrial chemical-factories

59.--p-Dichlorobenzene -----(ppb)	75	75	Discharge from industrial chemical factories
60.--1,2-Dichloro- -----ethane (ppb)	0	5	Discharge from industrial chemical factories
61.--1,1-Dichloro- -----ethylene (ppb)	7	7	Discharge from industrial chemical factories
62.--cis-1,2-Dichloro- -----ethylene (ppb)	70	70	Discharge from industrial chemical factories
63.--trans-1,2-Di- -----chloroethylene -----(ppb)	100	100	Discharge from industrial chemical factories
64.--Dichloromethane -----(ppb)	0	5	Discharge from pharma- ceutical and chemical factories
65.--1,2-Dichloro- -----propane (ppb) -----(ppb)	0	5	Discharge from industrial chemical factories
66.--Ethylbenzene -----(ppb)	700	700	Discharge from petroleum refineries
67.--Styrene (ppb)	100	100	Discharge from rubber and plastic factories; Leaching from land- fills
68.--Tetrachloro- -----ethylene (ppb)	0	5	Leaching from PVC pipes; Discharge from factories and dry cleaners
69.--1,2,4-Trichloro- -----benzene (ppb)	70	70	Discharge from textile- finishing factories
70.--1,1,1-Trichloro- -----ethane (ppb)	200	200	Discharge from metal degreasing sites and other factories
71.--1,1,2-Trichloro- -----ethane (ppb)	3	5	Discharge from industrial chemical factories

72.--Trichloro- -----ethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories
73.--TTHMs (Total -----trihalomethanes) -----(ppb)	n/a	100	Byproduct of drinking water chlorination
74.--Toluene (ppm)	1	1	Discharge from petroleum factories
75.--Vinyl Chloride -----(ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories
76.--Xylenes (ppm)	10	10	Discharge from petroleum factories; Discharge from chemical factories

BOARD NOTE: Derived from Appendix B to Subpart G, 40 CFR Subpart G (1990).

(Source: Former Section 611.Appendix F repealed and new Section 611.Appendix F adopted at 25 Ill. Reg. _____, effective _____)

Section 611.APPENDIX G NPDWR Violations and Situations Requiring Public Notice ~~Regulated Contaminants~~

See note 1 at the end of this Appendix for an explanation of the Agency's authority to alter the magnitude of a violation from that set forth in the following table.

Contaminant	MCL/MRDL/TT violations(2) Tier of public notice required	MCL/MRDL/TT violations(2) Citation	Monitoring & testing procedure violations Tier of public notice required	Monitoring & testing procedure violations Citation
I. Violations of National Primary Drinking Water Regulations (NPDWR):(3)				
A. Microbiological Contaminants				
1. Total coliform	2	611.325(a)	3	611.521-611.525
2. Fecal coliform E. coli	1	611.325(b) (4)1,3	3	611.525
3. Turbidity MCL	2	611.320(a)	3	611.560
4. Turbidity MCL (average of 2 days' samples >5 NTU)	(5) 2,1	611.320(b)	3	611.560
5. Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level)	(6) 2,1	611.231(2), 611.233(b)(1), 611.250(a)(2), 611.250(b)(2), 611.250(c)(2), 611.250(d), 611.743(a)(2), 611.743(b)	3	611.531(a), 611.532(b), 611.533(a), 611.744
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT)	2	611.211, 611.213, 611.220, 611.230-611.233, 611.240-611.242, 611.250	3	611.531-611.533
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT)	2	(7)611.740-611.743	3	611.742, 611.744
B. Inorganic Chemicals (IOCs)				
1. Antimony	2	611.301(b)	3	611.600, 611.601, 611.603
2. Arsenic	2	611.300(b), 611.612(c)	3	611.100, 611.101, 611.612
3. Asbestos (fibers >10 m)	2	611.301(b)	3	611.600, 611.601, 611.602
4. Barium	2	611.301(b)	3	611.600, 611.601, 611.603
5. Beryllium	2	611.301(b)	3	611.600, 611.601, 611.603
6. Cadmium	2	611.301(b)	3	611.600, 611.601, 611.603
7. Chromium (total)	2	611.301(b)	3	611.600, 611.601, 611.603

8. Cyanide	2	611.301(b)	3	611.600, 611.601, 611.603
9. Fluoride	2	611.301(b)	3	611.600, 611.601, 611.603
10. Mercury (inorganic)	2	611.301(b)	3	611.600, 611.601, 611.603
11. Nitrate	1	611.301(b)	(8) 1,3	611.600, 611.601, 611.604, 611.606
12. Nitrite	1	611.301(b)	(8) 1,3	611.600, 611.601, 611.605, 611.606
13. Total Nitrate and Nitrite	1	611.301(b)	3	611.600, 611.601
14. Selenium	2	611.301(b)	3	611.600, 611.601, 611.603
15. Thallium	2	611.301(b)	3	611.600, 611.601, 611.603
C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)				
1. Lead and Copper Rule (TT)	2	611.350-611.355	3	611.356-611.359
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D	2	611.310(c)	3	611.648

2. 2,4,5-TP (Silvex)	2	611.310(c)	3	611.648
3. Alachlor	2	611.310(c)	3	611.648
4. Atrazine	2	611.310(c)	3	611.648
5. Benzo(a)pyrene (PAHs)	2	611.310(c)	3	611.648
6. Carbofuran	2	611.310(c)	3	611.648
7. Chlordane	2	611.310(c)	3	611.648
8. Dalapon	2	611.310(c)	3	611.648
9. Di (2-ethyl-hexyl) adipate	2	611.310(c)	3	611.648
10. Di (2-ethyl-hexyl) phthalate	2	611.310(c)	3	611.648
11. Dibromochloro-propane	2	611.310(c)	3	611.648
12. Dinoseb	2	611.310(c)	3	611.648
13. Dioxin (2,3, 7,8-TCDD)	2	611.310(c)	3	611.648
14. Diquat	2	611.310(c)	3	611.648
15. Endothall	2	611.310(c)	3	611.648
16. Endrin	2	611.310(c)	3	611.648
17. Ethylene dibromide	2	611.310(c)	3	611.648
18. Glyphosate	2	611.310(c)	3	611.648
19. Heptachlor	2	611.310(c)	3	611.648
20. Heptachlor epoxide	2	611.310(c)	3	611.648
21. Hexachloro-benzene	2	611.310(c)	3	611.648

22. Hexachlorocyclopentadiene	2	611.310(c)	3	611.648
23. Lindane	2	611.310(c)	3	611.648
24. Methoxychlor	2	611.310(c)	3	611.648
25. Oxamyl (Vydate)	2	611.310(c)	3	611.648
26. Pentachlorophenol	2	611.310(c)	3	611.648
27. Picloram	2	611.310(c)	3	611.648
28. Polychlorinated biphenyls (PCBs)	2	611.310(c)	3	611.648
29. Simazine	2	611.310(c)	3	611.648
30. Toxaphene	2	611.310(c)	3	611.648
E. Volatile Organic Chemicals (VOCs)				
1. Benzene	2	611.310(a)	3	611.646
2. Carbon tetrachloride	2	611.310(a)	3	611.646
3. Chlorobenzene (monochlorobenzene)	2	611.310(a)	3	611.646
4. o-Dichlorobenzene	2	611.310(a)	3	611.646
5. p-Dichlorobenzene	2	611.310(a)	3	611.646
6. 1,2-Dichloroethane	2	611.310(a)	3	611.646
7. 1,1-Dichloroethylene	2	611.310(a)	3	611.646
8. cis-1,2-Dichloroethylene	2	611.310(a)	3	611.646

9. trans-1,2-Dichloroethylene	2	611.310(a)	3	611.646
10. Dichloromethane	2	611.310(a)	3	611.646
11. 1,2-Dichloropropane	2	611.310(a)	3	611.646
12. Ethylbenzene	2	611.310(a)	3	611.646
13. Styrene	2	611.310(a)	3	611.646
14. Tetrachloroethylene	2	611.310(a)	3	611.646
15. Toluene	2	611.310(a)	3	611.646
16. 1,2,4-Trichlorobenzene	2	611.310(a)	3	611.646
17. 1,1,1-Trichloroethane	2	611.310(a)	3	611.646
18. 1,1,2-Trichloroethane	2	611.310(a)	3	611.646
19. Trichloroethylene	2	611.310(a)	3	611.646
20. Vinyl chloride	2	611.310(a)	3	611.646
21. Xylenes (total)	2	611.310(a)	3	611.646
F. Radioactive Contaminants				
1. Beta/photon emitters	2	611.331	3	611.720(a), 611.732
2. Alpha emitters	2	611.330(b)	3	611.720(a), 611.731
3. Combined radium (226 & 228)	2	611.330(a)	3	611.720(a), 611.731
G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant				

Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).(9)

1. Total trihalomethanes (TTHMs)	2	(10) 611.310, 611.312(a)	3	611.680-611.688, 611.382(a)-(b)
2. Haloacetic Acids (HAA5)	2	611.312(a)	3	611.382(a)-(b)
3. Bromate	2	611.312(a)	3	611.382(a)-(b)
4. Chlorite	2	611.312(a)	3	611.382(a)-(b)
5. Chlorine (MRDL)	2	611.313(a)	3	611.382(a), (c)
6. Chloramine (MRDL)	2	611.313(a)	3	611.382(a), (c)
7. Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	611.313(a), 611.383(c)(3)	2(11),3	611.382(a), (c), 611.383(c)(2)
8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL	(12)1	611.313(a), 611.383(c)(3)	1	611.382(a), (c), 611.383(c)(2)
9. Control of DBP precursors--TOC (TT)	2	611.385(a)-(b)	3	611.382(a), (d)
10. Bench marking and disinfection profiling	N/A	N/A	3	611.742

11. Development of monitoring plan	N/A	N/A	3	611.382(f)

H. Other Treatment Techniques

1. Acrylamide (TT)	2	611.296	N/A	N/A
2. Epichlorohydrin (TT)	2	611.296	N/A	N/A

II. Unregulated Contaminant Monitoring: (13)

A. Unregulated contaminants	N/A	N/A	3	611.510
B. Nickel	N/A	N/A	3	611.603, 611.611

III. Public Notification for Relief Equivalent to a SDWA Section 1415 Variance or a Section 1416 Exemption:

A. Operation under relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption	3	(14)1415, 1416,	N/A	N/A
B. Violation of conditions of relief equivalent to a SDWA Section 1415 variance or a Section 1416 exemption	2	1415, 1416, (15) 611.111, 611.112	N/A	N/A

IV. Other Situations Requiring Public Notification:

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A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	611.858	N/A	N/A	
B. Exceedance of nitrate MCL for non-community systems, as allowed by the Agency	1	611.300(d)	N/A	N/A	
C. Availability of unregulated contaminant monitoring data	3	611.510	N/A	N/A	
D. Waterborne disease outbreak	1	611.101, 611.233(b)(2)	N/A	N/A	
E. Other waterborne emergency (16)	1	N/A	N/A	N/A	
F. Other situations as determined by the Agency by a SEP issued pursuant to Section 611.110	(17)1,2,3	N/A	N/A	N/A	

Appendix G--Endnotes

1. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Agency by a SEP issued pursuant to Section 611.110. The Agency may, by a SEP issued pursuant to Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).

2. Definition of the abbreviations used: "MCL" means maximum contaminant level, "MRDL" means maximum residual disinfectant level, and "TT" means treatment technique.

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NOTICE OF PROPOSED AMENDMENTS

3. The term "violations of National Primary Drinking Water Regulations (NPDWR)" is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.

5. A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP issued pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a system is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

6. A supplier with treatment technique a violation involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR) or the Interim Enhanced Surface Water Treatment Rule (IESWTR) are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue a SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a system is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.

7. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 FR 69477) (Secs. 611.740-611.741, 611.743-611.744) become effective January 1, 2002 for a Subpart B supplier (surface water systems and ground water systems under the direct influence of surface water) that serves at least 10,000 persons. However, Section 611.742 is currently effective. The Surface Water Treatment Rule (SWTR) remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.

8. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

9. A subpart B community or non-transient non-community system supplier that serves 10,000 persons or more must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. A Subpart B transient non-community system supplier serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL

beginning January 1, 2002. A Subpart B transient non-community system supplier that serves fewer than 10,000 persons, which uses only ground water not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

10. Section 611.310 will no longer apply after January 1, 2004.

11. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

12. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

13. Some water suppliers must monitor for certain unregulated contaminan s listed in Section 611.510.

14. This citation refers to Sections 1415 and 1416 of the federal Safe Drinkin Water Act. Sections 1415 and 1416 require that "a schedule prescribed .. for a public water system granted relief equivalent to a SDWA Section 141[5] variance or a Section 1416 exemption shall require compliance by the system"

15. In addition to Sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR 142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA Section 1415 small system variance. In granting any from of relief from an NPDWR, the Board will consider all applicable federal requirements for and limitations on the State's ability to grant relief consistent with federal law.

16. Other waterborne emergencies require a Tier 1 public notice under Section 611.902(a) for situations that do not meet the definition of a waterborne disease outbreak given in Section 611.101, but which still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141, as added at 65 Fed. Reg. 26040 (May 4, 2000).

Key

AL = Action level
MCL = Maximum Contaminant level
MCLG = Maximum Contaminant level Goal
MFL = million fibers per liter
mrem/year = millirems per year (a measure of radiation absorbed by the body)
NTU = Nephelometric Turbidity Units
pCi/L = picocuries per liter (a measure of radioactivity)
ppm = parts per million, or milligrams per liter (mg/L)
ppb = parts per billion, or micrograms per liter (ug/L)
ppt = parts per trillion, or nanograms per liter
ppq = parts per quadrillion, or picograms per liter
TT = Treatment Technique

Contaminant (units)	MCLG	MCL	Major sources in drinking water
Microbiological Contaminants			
1. Total Coliform Bacteria	0	(systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive sample	Naturally present in the environment
2. Fecal coliform and E. coli	0	A routine sample and a repeat sample are fecal coliform positive, and one is also fecal coliform or E. coli positive	Human and animal fecal waste
3. Turbidity	n/a	TT	Soil runoff

Radioactive Contaminants			
-4.--Beta/photon-emitters-(mrem/yr)	0	4	Decay-of-natural-and-man-made deposits
-5.--Alpha-emitters-(pCi/l)	0	15	Erosion-of-natural-deposits
-6.--Combined-radium-(pCi/l)	0	5	Erosion-of-natural-deposits
Inorganic Contaminants			
-7.--Antimony-(ppb)	6	6	Discharge-from-petroleum refineries;-Fire-retardants; Ceramics;-Electronics;-Solder
-8.--Arsenic-(ppb)	n/a	50	Erosion-of-natural-deposits; Runoff-from-orchards;-Runoff from-glass-and-electronics production-wastes
-9.--Asbestos-(MFL)	7	7	Decay-of-asbestos-cement water-mains;-Erosion-of natural-deposits
10.--Barium-(ppm)	2	2	Discharge-of-drilling wastes;-Discharge-from metal-refineries;-Erosion of-natural-deposits
11.--Beryllium-(ppb)	4	4	Discharge-from-metal refineries-and-coal-burning factories;-Discharge-from electrical;-aerospace;-and defense-industries
12.--Cadmium-(ppb)	5	5	Corrosion-of-galvanized pipes;-Erosion-of-natural deposits;-Discharge-from metal-refineries;-Runoff from-waste-batteries-and paints

13.--Chromium-(ppb)	100	100	Discharge-from-steel-and pulp-mills;-Erosion-of natural-deposits
14.--Copper-(ppm)	1.3	AL=1.3	Corrosion-of-household plumbing-systems;-Erosion of-natural-deposits; Leaching-from-wood preservatives
15.--Cyanide-(ppb)	200	200	Discharge-from-steel/metal factories;-Discharge-from plastic-and-fertilizer factories
16.--Fluoride-(ppm)	4	4	Erosion-of-natural deposits;-Water-additive which-promotes-strong teeth;-Discharge-from fertilizer-and-aluminum factories
17.--Lead-(ppb)	0	AL=15	Corrosion-of-household plumbing-systems;-Erosion of-natural-deposits
18.--Mercury-(inorganic)-(ppb)	2	2	Erosion-of-natural deposits;-Discharge-from refineries-and factories;-Runoff-from landfills;-Runoff-from cropland
19.--Nitrate-(as Nitrogen)-(ppm)	10	10	Runoff-from-fertilizer use;-Leaching-from-septic tanks;-sewage;-Erosion-of natural-deposits
20.--Nitrite-(as Nitrogen)-(ppm)	1	1	Runoff-from-fertilizer use;-Leaching-from-septic tanks;-sewage;-Erosion-of natural-deposits
21.--Selenium-(ppb)	50	50	Discharge-from-petroleum and-metal-refineries; Erosion-of-natural-deposits; Discharge-from-mines

22.--Thallium-(ppb)	0.5	2	Leaching-from-ore-processing-sites;-Discharge from-electronics;-glass;-and-drug-factories
Synthetic-Organic Contaminants-including Pesticides-and-Herbicides			
23.--2,4-D-(ppb)	70	70	Runoff-from-herbicide used-on-row-crops
24.--2,4,5-TP-(Silvex) -----(ppb)	50	50	Residue-of-banned herbicide
25.--Acrylamide	0	TT	Added-to-water-during sewage/wastewater treatment
26.--Alachlor-(ppb)	0	2	Runoff-from-herbicide used-on-row-crops
27.--Atrazine-(ppb)	3	3	Runoff-from-herbicide used-on-row-crops
28.--Benzo(a)pyrene -----(PAH) -----(nanograms/L)	0	200	Leaching-from-linings-of water-storage-tanks-and distribution-lines
29.--Carbofuran-(ppb)	40	40	Leaching-of-soil-fumigant used-on-rice-and-alfalfa
30.--Chlordane-(ppb)	0	2	Residue-of-banned termiticide
31.--Dalapon-(ppb)	200	200	Runoff-from-herbicide used-on-rights-of-way
32.--Di(2-ethylhexyl)- -----adipate-(ppb)	400	400	Discharge-from-chemical factories
33.--Di(2-ethylhexyl) -----phthalate-(ppb)	0	6	Discharge-from-rubber and-chemical-factories
34.--Dibromochloro- -----propane-(ppt)	0	200	Runoff/leaching-from soil-fumigant-used-on soybeans;-cotton;-pineapples;-and-orchards

35.--Dinoseb-(ppb)	7	7	Runoff-from-herbicide used-on-soybeans-and vegetables
36.--Diquat-(ppb)	20	20	Runoff-from-herbicide use
37.--Dioxin-(2,3,7,8- -----TCDD)-(ppq)	0	30	Emissions-from-waste incineration-and-other combustion;-Discharge from-chemical-factories
38.--Endothall-(ppb)	100	100	Runoff-from-herbicide use
39.--Endrin-(ppb)	2	2	Residue-of-banned insecticide
40.--Epichlorohydrin	0	TT	Discharge-from-industrial chemical-factories;-An impurity-of-some-water treatment-chemicals
41.--Ethylene-dibro- -----mide-(ppt)	0	50	Discharge-from-petroleum refineries
42.--Glyphosate-(ppb)	700	700	Runoff-from-herbicide use
43.--Heptachlor-(ppt)	0	400	Residue-of-banned termiticide
44.--Heptachlor -----epoxide-(ppt)	0	200	Breakdown-of-heptachlor
45.--Hexachlorobenzene -----(ppb)	0	1	Discharge-from-metal refineries-and-agricultural-chemical factories
46.--Hexachlorocyclo- -----pentadiene-(ppb)	50	50	Discharge-from-chemical factories
47.--Lindane-(ppt)	200	200	Runoff/leaching-from insecticide-used-on cattle;-lumber;-gardens

48.--Methoxychlor-(ppb)	40	40	Runoff/leaching-from insecticide-used-on fruits, vegetables, alfalfa, livestock
49.--Oxamyl-(Vydate) -----(ppb)	200	200	Runoff/leaching-from insecticide-used-on apples, potatoes, and tomatoes
50.--PCBs-(Polychlori- -----nated-biphenyls) -----(ppt)	0	500	Runoff-from-landfills; Discharge-of-waste chemicals
51.--Pentachlorophenol -----(ppb)	0	1	Discharge-from-wood preserving-factories
52.--Picloram-(ppb)	500	500	Herbicide-runoff
53.--Simazine-(ppb)	4	4	Herbicide-runoff
54.--Toxaphene-(ppb)	0	3	Runoff/leaching-from insecticide-used-on cotton-and-cattle
Volatile-Organic Contaminants			
55.--Benzene-(ppb)	0	5	Discharge-from-factories; Leaching-from-gas-storage tanks-and-landfills
56.--Carbon-tetra- -----chloride-(ppb)	0	5	Discharge-from-chemical plants-and-other-industrial activities
57.--Chlorobenzene -----(ppb)	100	100	Discharge-from-chemical and-agricultural-chemical factories
58.--o-Dichlorobenzene -----(ppb)	600	600	Discharge-from-industrial chemical-factories
59.--p-Dichlorobenzene -----(ppb)	75	75	Discharge-from-industrial chemical-factories
60.--1,2-Dichloro- -----ethane-(ppb)	0	5	Discharge-from-industrial chemical-factories

61.--1,1-Dichloro- -----ethylene-(ppb)	7	7	Discharge-from-industrial chemical-factories
62.--cis-1,2-Dichloro- -----ethylene-(ppb)	70	70	Discharge-from-industrial chemical-factories
63.--trans-1,2-Di- -----chloroethylene -----(ppb)	100	100	Discharge-from-industrial chemical-factories
64.--Dichloromethane -----(ppb)	0	5	Discharge-from-pharma- ceutical-and-chemical factories
65.--1,2-Dichloro- -----propane-(ppb) -----(ppb)	0	5	Discharge-from-industrial chemical-factories
66.--Ethylbenzene -----(ppb)	700	700	Discharge-from-petroleum refineries
67.--Styrene-(ppb)	100	100	Discharge-from-rubber and-plastic-factories; Leaching-from-land- fills
68.--Tetrachloro- -----ethylene-(ppb)	0	5	Leaching-from-PVC-pipes; Discharge-from-factories and-dry-cleaners
69.--1,2,4-Trichloro- -----benzene-(ppb)	70	70	Discharge-from-textile- finishing-factories
70.--1,1,1-Trichloro- -----ethane-(ppb)	200	200	Discharge-from-metal degreasing-sites-and other-factories
71.--1,1,2-Trichloro- -----ethane-(ppb)	3	5	Discharge-from-industrial chemical-factories
72.--Trichloro- -----ethylene-(ppb)	0	5	Discharge-from-metal degreasing-sites-and other-factories
73.--TTHMs-(Total -----trihalomethanes) -----(ppb)	n/a	100	Byproduct-of-drinking water-chlorination

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~~74.--Toluene-(ppm)~~	~~1~~	~~1~~	~~Discharge-from-petroleum factories~~
~~75.--Vinyl-Chloride -----(ppb)~~	~~0~~	~~2~~	~~Leaching-from-PVC-piping; Discharge-from-plastics factories~~
~~76.--Xylenes-(ppm)~~	~~10~~	~~10~~	~~Discharge-from-petroleum factories; Discharge-from chemical-factories~~

~~BOARD-NOTE:--Derived-from-Appendix-B-to-Subpart-G,-40-CFR-Subpart-G-(1990).~~

(Source: Former Section 611.Appendix G repealed and new Section 611.Appendix G adopted at 25 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

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Section 611.APPENDIX H Standard Health Effects Language for Public Notification

Contaminant	MCLG (1) mg/L	MCL (2) mg/L	Standard health effects language for public notification
		National Primary Drinking Water Regulations (NPDWR):	
		A. Microbiological Contaminants	
1a. Total coliform	Zero	See footnote 3	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/ E.coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL)(4)	None	1 NTU(5)/5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause

			symptoms such as nausea, cramps, diarrhea and associated headaches.
2b. Turbidity (SWTR (SWTRTT)	None	TT(7)	Turbidity has no health effects. However,(6) turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2c. Turbidity (IESWTR TT)	None	TT	Turbidity has no health effects. However,(8) turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
B. Surface Water Treatment Rule (SWTR) and Interim Enhanced Surface Water Treatment Rule (IESWTR) violations			
3. Giardia lamblia (SWTR/IESWTR)	Zero	TT(10)	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
4. Viruses (SWTR/IESWTR)			
5. Heterotrophic plate count (HPC) bacteria(9) (SWTR/IESWTR)			

6. Legionella (SWTR/IESWTR)			
7. Cryptosporidium (IESWTR)			
C. Inorganic Chemicals (IOCs)			
8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic	None	0.05	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (10 m).	7 MFL(11)	7 MFL	asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
17. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrate	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
		D. Lead and Copper Rule	
23. Lead	Zero	TT(12)	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper	1.3	TT(13)	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal

			distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
	E. Synthetic Organic Chemicals (SOCs)		
25. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
26. 2,4,5-TP (Silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
27. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
28. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
29. Benzo(a)pyrene (PAHs)	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
33. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
34. Di (2-ethylhexyl) phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
35. Dibromochloro-propane	Zero	0.0002	Some people who drink water containing (DBCP) DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could

			experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD).	Zero	3 x 10(-8)	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
51. Picloram	0.5	0.5	Some people who drink

			water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs)	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
	F. Volatile Organic Chemicals (VOCs)		
55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of

			the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
71. 1,1,1-Trichloroethane.	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years

			could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane.	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
G. Radioactive Contaminants			
76. Beta/photon emitters	Zero	4 mrem/yr (14)	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters	Zero	15 pCi/L(15)	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people

			who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs)(16)

79. Total trihalomethanes (TTHMs)	N/A	0.10/0.08 (17) (18)	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
80. Haloacetic Acids (HAA)	N/A	0.060 (19)	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
81. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
82. Chlorite	0.08	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the

			MCL. Some people may experience anemia.
83. Chlorine	4 (MRDLG) (20)	4.0 (MRDL)(21)	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
84. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
85a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in nervous system excess of the MRDL could experience effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.

85b. Chlorine dioxide, where one or more distribution system samples are above MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.
86. Control of DBP precursors (TOC)	None	TT	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

I. Other Treatment Techniques:

87. Acrylamide	Zero	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
88. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix H--Endnotes

1. "MCLG" means maximum contaminant level goal.
2. "MCL" means maximum contaminant level.
3. For a water supplier analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For a supplier analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.
4. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule, and the 1998 Interim Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for a supplier that is required to filter but have not yet installed filtration (Section 611.320).
5. "NTU" means nephelometric turbidity unit.
6. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). A supplier subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.
7. "TT" means treatment technique.
8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). For a supplier subject to the IESWTR (systems serving at

least 10,000 people, using surface water or ground water under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.

9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.
10. SWTR and IESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.
11. Millions of fibers per liter.
12. Action Level = 0.015 mg/L.
13. Action Level = 1.3 mg/L.
14. Millirems per years.
15. Picocuries per liter.
16. A surface water system supplier or a ground water system supplier under the direct influence of surface water are regulated under Subpart B of this Part. A Supbart B community water system supplier or a non-transient non-community system supplier that serves 10,000 or more persons must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient noncommunity system suppliers must meet the MCLs and MRDLs beginning January 1, 2004. Subpart B transient non-community system suppliers serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart B transient non-community system suppliers serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
17. The MCL of 0.10 mg/l for TTHMs is in effect until January 1, 2002 for a Subpart B community water system supplier serving 10,000 or more persons. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only ground water not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/l. On January 1, 2004, a supplier serving less than 10,000 will have to comply with the new MCL as well.
18. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.
19. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.
20. "MRDLG" means maximum residual disinfectant level goal.
21. "MRDL" means maximum residual disinfectant level.

BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141, as added at

65 Fed. Reg. 26043 (May 4, 2000).

~~Microbiological Contaminants~~

~~1) Total Coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.~~

~~2) Fecal coliform/E. coli. Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.~~

~~3) Turbidity. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.~~

~~Radioactive Contaminants~~

~~4) Beta/photon emitters. Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.~~

~~5) Alpha emitters. Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.~~

~~6) Combined Radium 226/228. Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.~~

~~Inorganic Contaminants~~

~~7) Antimony. Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.~~

~~8) Arsenic. Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with~~

their circulatory system, and may have an increased risk of getting cancer.

9) Asbestos: Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

10) Barium: Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

11) Beryllium: Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

12) Cadmium: Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

13) Chromium: Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

14) Copper: Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

15) Cyanide: Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

16) Fluoride: Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Children may get mottled teeth.

17) Lead: Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

18) Mercury (inorganic): Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

19) Nitrate: Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

20) Nitrite: Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

21) Selenium: Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

22) Thallium: Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

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23) 2,4-D: Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

24) 2,4,5-TP (Silvex): Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

25) Acrylamide: Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

26) Alachlor: Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

27) Atrazine: Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

28) Benzo(a)pyrene (PAH): Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties, and may have an increased risk of getting cancer.

29) Carbofuran: Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

30) ~~Chlordane:--Some-people-who-drink-water-containing-chlordane-in-excess of--the-MCL-over-many-years-could-experience-problems-with-their-liver or-nervous-system,-and-may-have-an-increased-risk-of-getting-cancer.~~

31) ~~Dalapon:--Some-people-who--drink--water--containing--dalapon--well--in excess--of--the--MCL--over--many--years--could-experience-minor-kidney changes.~~

32) ~~Di(2-ethylhexyl)adipate:---Some--people--who--drink--water--containing di(2-ethylhexyl)adipate-well-in-excess-of--the--MCL--over--many--years could-experience-general-toxic-effects-or-reproductive-difficulties.~~

33) ~~Di(2-ethylhexyl)phthalate:---Some--people--who--drink-water-containing di(2-ethylhexyl)phthalate-in-excess-of-the-MCL--over--many--years--may have---problems---with---their---liver,---or--experience--reproductive difficulties,-and-may-have-an-increased-risk-of-getting-cancer.~~

34) ~~Dibromochloropropane-(DBCP):--Some-people-who-drink--water--containing DBCP---in---excess--of--the--MCL--over--many--years--could--experience reproductive-difficulties,-and-may-have-an-increased-risk--of--getting cancer.~~

35) ~~Dinoseb:---Some--people--who--drink--water--containing-dinoseb-well-in excess-of-the--MCL--over--many--years--could--experience--reproductive difficulties.~~

36) ~~Dioxin--(2,3,7,8-TCDD):--Some-people-who-drink-water-containing-dioxin in-excess-of-the-MCL-over-many--years--could--experience--reproductive difficulties,-and-may-have-an-increased-risk-of-getting-cancer.~~

37) ~~Diquat:---Some--people--who-drink-water-containing-diquat-in-excess-of the-MCL-over-many-years-could-get-cataracts.~~

38) ~~Endothall:--Some-people-who-drink-water-containing-endothall-in-excess of-the-MCL-over--many--years--could--experience--problems--with--their stomach-or-intestines.~~

39) ~~Endrin:---Some--people--who-drink-water-containing-endrin-in-excess-of the-MCL-over-many-years-could-experience-liver-problems.~~

40) ~~Epichlorohydrin:--Some-people-who-drink-water-containing--high--levels of-epichlorohydrin-over-a-long-period-of-time-could-experience-stomach problems,-and-may-have-an-increased-risk-of-getting-cancer.~~

41) ~~Ethylene--dibromide:---Some-people-who-drink-water-containing-ethylene dibromide-in-excess-of--the--MCL--over--many--years--could--experience problems--with--their-liver,-stomach,-reproductive-system,-or-kidneys, and-may-have-an-increased-risk-of-getting-cancer.~~

42) ~~Glyphosate:--Some-people-who--drink--water--containing--glyphosate--in excess-of-the-MCL-over-many-years-could-experience-problems-with-their kidneys-or-reproductive-difficulties.~~

43) ~~Heptachlor:---Some--people--who--drink--water-containing-heptachlor-in excess-of-the-MCL-over-many-years-could-experience-liver--damage,--and may-have-an-increased-risk-of-getting-cancer.~~

44) ~~Heptachlor-epoxide:--Some-people-who-drink-water-containing-heptachlor epoxide--in--excess--of-the-MCL-over-many-years-could-experience-liver damage,-and-may-have-an-increased-risk-of-getting-cancer.~~

45) ~~Hexachlorobenzene:-----Some---people---who---drink---water---containing hexachlorobenzene--in--excess--of--the--MCL--over--many--years---could experience---problems---with---their--liver--or--kidneys,--or--adverse reproductive-effects,-and--may--have--an--increased--risk--of--getting cancer.~~

46) ~~Hexachlorocyclopentadiene:---Some--people--who--drink-water-containing hexachlorocyclopentadiene-well-in-excess-of-the-MCL--over--many--years could-experience-problems-with-their-kidneys-or-stomach.~~

47) ~~Lindane:---Some-people-who-drink-water-containing-lindane-in-excess-of the-MCL-over-many-years-could-experience-problems-with--their--kidneys or-liver.~~

48) ~~Methoxychlor:---Some-people-who-drink-water-containing-methoxychlor-in excess-of-the--MCL--over--many--years--could--experience--reproductive difficulties.~~

49) ~~Oxamyl--[Vydate]:---Some--people--who-drink-water-containing-oxamyl-in excess-of-the-MCL-over-many--years--could--experience--slight--nervous system-effects.~~

50) ~~PCBs---[Polychlorinated--biphenyls]:---Some--people--who--drink--water containing-PCBs-in-excess-of-the-MCL-over-many-years-could--experience changes--in--their--skin,--problems--with--their--thymus-gland,-immune deficiencies,-or-reproductive-or-nervous-system-difficulties,-and--may have-an-increased-risk-of-getting-cancer.~~

51) ~~Pentachlorophenol:-----Some---people---who---drink---water---containing pentachlorophenol---in--excess--of--the--MCL--over--many--years--could experience-problems-with-their-liver--or--kidneys,--and--may--have--an increased-risk-of-getting-cancer.~~

52) ~~Picloram:---Some--people-who-drink-water-containing-picloram-in-excess of-the-MCL-over-many-years-could-experience-problems-with-their-liver.~~

53) Simazine:--Some-people-who-drink-water-containing-simazine--in--excess of-the-MCL-over-many-years-could-experience-problems-with-their-blood.

54) Toxaphene:--Some-people-who-drink-water-containing-toxaphene-in-excess of--the--MCL--over--many-years-could-have-problems-with-their-kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

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55) Benzene:--Some-people-who-drink-water-containing-benzene-in-excess--of the-MCL-over-many-years-could-experience-anemia-or-a-decrease-in-blood platelets, and may have an increased risk of getting cancer.

56) Carbon--Tetrachloride:---Some-people-who-drink-water-containing-carbon tetrachloride-in-excess-of-the-MCL-over-many--years--could--experience problems--with--their-liver, and may have an increased risk of getting cancer.

57) Chlorobenzene:--Some-people-who-drink-water--containing--chlorobenzene in--excess--of--the-MCL-over-many-years-could-experience-problems-with their-liver-or-kidneys.

58) o-Dichlorobenzene:----Some---people---who---drink---water---containing o-dichlorobenzene-well-in-excess-of-the--MCL--over--many--years--could experience-problems-with-their-liver, kidneys, or circulatory systems.

59) p-Dichlorobenzene:----Some---people---who---drink---water---containing p-dichlorobenzene---in--excess--of--the--MCL--over--many--years--could experience-anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

60) 1,2-Dichloroethane:----Some---people---who---drink---water--containing 1,2-dichloroethane-in-excess-of-the-MCL-over-many-years--may--have--an increased-risk-of-getting-cancer.

61) 1,1-Dichloroethylene:----Some---people---who--drink--water--containing 1,1-dichloroethylene-in-excess--of--the--MCL--over--many--years--could experience-problems-with-their-liver.

62) cis-1,2-Dichloroethylene:---Some--people--who--drink--water-containing cis-1,2-dichloroethylene-in-excess-of-the-MCL-over--many--years--could experience-problems-with-their-liver.

63) trans-1,2-Dicholoroethylene:---Some--people-who-drink-water-containing trans-1,2-dichloroethylene-well-in-excess-of-the-MCL-over--many--years could-experience-problems-with-their-liver.

64) Dichloromethane:-----Some----people---who---drink---water---containing dichloromethane-in-excess-of-the-MCL-over-many-years-could-have--liver problems, and may have an increased risk of getting cancer.

65) 1,2-Dichloropropane:----Some---people---who---drink--water--containing 1,2-dichloropropane-in-excess-of-the-MCL-over-many-years-may--have--an increased-risk-of-getting-cancer.

66) Ethylbenzene:---Some--people--who--drink-water-containing-ethylbenzene well-in-excess-of-the-MCL-over-many-years--could--experience--problems with-their-liver-or-kidneys.

67) Styrene:---Some--people--who--drink--water--containing-styrene-well-in excess-of-the-MCL-over-many--years--could--have--problems--with--their liver, kidneys, or circulatory system.

68) Tetrachloroethylene:---Some---people---who---drink---water--containing tetrachloroethylene-in-excess-of-the-MCL-over-many--years--could--have problems--with--their-liver, and may have an increased risk of getting cancer.

69) 1,2,4-Trichlorobenzene:---Some--people--who--drink--water---containing 1,2,4-trichlorobenzene-well-in-excess-of-the-MCL-over-many-years-could experience-changes-in-their-adrenal-glands.

70) 1,1,1-Trichloroethane:----Some--people--who--drink--water--containing 1,1,1-trichloroethane-in-excess-of--the--MCL--over--many--years--could experience--problems--with-their-liver, nervous system, or circulatory system.

71) 1,1,2-Trichloroethane:---Some--people--who--drink---water---containing 1,1,2-trichloroethane--well-in-excess-of-the-MCL-over-many-years-could have-problems-with-their-liver, kidneys, or immune systems.

72) Trichloroethylene:----Some---people---who---drink---water---containing trichloroethylene--in--excess--of--the--MCL--over--many--years---could experience--problems--with-their-liver, and may have an increased risk of getting cancer.

73) TTHMs {Total Trihalomethanes}:--Some-people-who-drink-water-containing trihalomethanes-in-excess-of-the-MCL-over-many--years--may--experience problems--with--their--liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

74) Toluene:--Some-people-who--drink--water--containing--toluene--well--in excess--of--the--MCL--over--many--years-could-have-problems-with-their nervous-system, kidneys, or liver.

75) Vinyl Chloride:--Some-people-who-drink-water-containing-vinyl-chloride

~~in excess of the MCL over many years may have an increased risk of getting cancer.~~

~~76) Xylenes. Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.~~

(Source: Former Section 611.Appendix H repealed and new Section 611.Appendix H added at 25 Ill. Reg. _____, effective _____)

Section 611.APPENDIX I Acronyms Used in Public Notification Regulation

CCR	Consumer Confidence Report
CWS	Community Water System
DBP	Disinfection Byproduct
EPA	Environmental Protection Agency
HPC	Heterotrophic Plate Count
IESWTR	Interim Enhanced Surface Water Treatment Rule
IOC	Inorganic Chemical
LCR	Lead and Copper Rule
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MRDL	Maximum Residual Disinfectant Level
MRDLG	Maximum Residual Disinfectant Level Goal
NCWS	Non-Community Water System
NPDWR	National Primary Drinking Water Regulation
NTNCWS	Non-Transient Non-Community Water System
NTU	Nephelometric Turbidity Unit
OGWDW	Office of Ground Water and Drinking Water
OW	Office of Water
PN	Public Notification
PWS	Public Water System
SDWA	Safe Drinking Water Act
SMCL	Secondary Maximum Contaminant Level
SOC	Synthetic Organic Chemical
SWTR	Surface Water Treatment Rule
TCR	Total Coliform Rule
TT	Treatment Technique
TWS	Transient Non-Community Water System
VOC	Volatile Organic Chemical

BOARD NOTE: Derived from Appendix C to Subpart Q to 40 CFR 141, as added at 65 Fed. Reg. 26048 (May 4, 2000).

(Source: Added at 25 Ill. Reg. _____, effective _____)

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Section 611.TABLE G Summary of Monitoring Section 611.357 Requirements for Water Quality Parameters(1)

Monitoring Period	Parameters(2)	Location	Frequency
Initial Monitoring	pH, alkalinity, orthophosphate, or silica (3), calcium, conductivity, temperature.	Taps and at entry ~~point(s)~~ points to the distribution system	Every six6 months
After ~~Installation~~ installation of ~~Corrosion~~ corrosion control ~~Control~~	pH, alkalinity, orthophosphate or silica(3), calcium(4)	Taps	Every six6 months
~~After Installation of Corrosion Control~~	pH, alkalinity dosage rate and concentration (if alkalinity is adjusted as part of corrosion control), inhibitor dosage rate and inhibitor esidual(5)	Entry ~~point(s)~~ points to the distribution system(6)	No less~~Biweekly~~ frequently than every two weeks
After theState Agency specifies parameter values ~~Specifies Parameter Values~~ for optimal corrosion control~~Optimal Corrosion Control~~	pH, alkalinity, orthophosphate or silica(3), calcium(4)	Taps	Every six6 months
~~After State Specifies Parameter Values for Optimal Corrosion Control~~	pH, alkalinity dosage rate and concentration (if alkalinity is adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual(5)	Entry ~~point(s)~~ points to the distribution system(6)	No less~~Biweekly~~ frequently than every two weeks
Reduced monitoring ~~Monitoring~~	pH, alkalinity, orthophosphate or silica(3), calcium(4)	Taps	Every six6 months, annually(7) or every three years(8); ~~at a~~ reduced number of sites
~~Reduced Monitoring~~	pH, alkalinity dosage rate and concentration (if alkalinity is adjusted as part of control), inhibitor dosage rate and inhibitor residual(5)	Entry ~~point(s)~~ points to the distribution system(6)	No less~~Biweekly~~ frequently than every two weeks

1. ~~(1)~~ Table G is for illustrative purposes; consult the text of Section 611.357 for precise regulatory requirements.

2. ~~(2)~~ Small and medium-size systems have to monitor for water quality parameters only during monitoring periods in which the system exceeds the lead or copper action level.

3. ~~(3)~~ Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.

4. ~~(4)~~ Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.

5. ~~(5)~~ Inhibitor dosage rates and inhibitor residual concentrations

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(orthophosphate or silica) must be measured only when an inhibitor is used.

6, A groundwater system supplier may limit monitoring to representative locations throughout the system.

7. A water supplier may reduce frequency of monitoring for water quality parameters at the tap from every six months to annually if they have maintained the range of values for water quality parameters reflecting optimal corrosion control during three consecutive years of monitoring.

8. A water supplier may further reduce the frequency of monitoring for water quality parameters at the tap from annually to once every three years if they have maintained the range of values for water quality parameters reflecting optimal corrosion control during three consecutive years of annual monitoring. A water supplier may accelerate to triennial monitoring for water quality parameters at the tap if they have maintained 90th percentile lead levels less than or equal to 0.005 mg/L, 90th percentile copper levels less than or equal to 0.65 mg/L, and the range of water quality parameters designated by the Agency under Section 611.352(f) as representing optimal corrosion control during two consecutive six-month monitoring periods.

BOARD NOTE: Derived from the table to 40 CFR 141.87 (1999) ~~(1992)~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Nursing and Advanced Practice Nursing Act--Registered Professional Nurse and Licensed Practical Nurse

2) Code Citation: 68 Ill. Adm. Code 1300

3)

Section Numbers:	Proposed Action:
1300.15	Amendment
1300.20	Amendment
1300.30	Amendment
1300.44	Amendment
1300.48	Amendment
1300.75	New Section

4) Statutory Authority: Nursing and Advanced Practice Nursing Act [225 ILCS 65]

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-369, effective January 1, 2000, requires the Department to conduct criminal background checks on applicants for registered nursing and licensed practical nursing licenses; this proposed rulemaking implements that requirement. It also implements PA 91-43, providing for licensure of nurses who graduated from nonapproved correspondence courses if they have been actively practicing clinical nursing in another state for at least 2 years, by defining clinical practice.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813; Fax: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing nursing services

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Nursing skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300
NURSING AND ADVANCED PRACTICE NURSING ACT -
REGISTERED PROFESSIONAL NURSE AND LICENSED PRACTICAL NURSE

Section
1300.10 Definitions
1300.15 Fees
1300.20 Application for Examination or Licensure
1300.25 The Licensure Examination
1300.27 Application for Licensure on the Basis of Examination (Repealed)
1300.30 Licensure by Endorsement
1300.35 Remedial Education
1300.40 Approval of Programs
1300.41 Approval of Current Nursing Practice Update Course
1300.42 Standards of Professional Conduct for Registered Professional Nurses
1300.43 Standards of Professional Conduct for Licensed Practical Nurses
1300.44 Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45 Renewals
1300.48 Restoration
1300.50 Granting Variances
1300.60 Practice of Nursing
1300.65 Unethical or Unprofessional Conduct in Nursing Practice
1300.70 Fines
1300.75 Refusal to Issue a Nurse License Based on Criminal History Record

APPENDIX A Minimal Skills List for Registered Professional Nurses
APPENDIX B Minimal Assignment List for Registered Professional Nurses
APPENDIX C Minimal Skills List for Licensed Practical Nurses
APPENDIX D Minimal Assignment List for Licensed Practical Nurses

AUTHORITY: Implementing the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII,

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68 Ill. Adm. Code 1300 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993; amended at 19 Ill. Reg. 13552, effective September 19, 1995; amended at 22 Ill. Reg. 3895, effective February 5, 1998; amended at 22 Ill. Reg. 19273, effective October 13, 1998; amended at 24 Ill. Reg. 1191, effective January 4, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 1300.15 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees
 1) The fee for application for a license as a registered professional nurse and a licensed practical nurse is $50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 2) The fee for a temporary restoration or endorsement permit for a license as a registered professional nurse and licensed practical nurse is $25.

b) Renewal Fees
 The fee for the renewal of a license shall be calculated at the rate of $20 per year.

c) General Fees
 1) The fee for the restoration of a license other than from inactive status is $20 plus payment of all lapsed renewal fees, but not to exceed $125.
 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 3) The fee for a certification of a licensee's record for any purpose is $20.
 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is $20 plus any fees charged by the applicable testing service.
 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
 6) The fee for a roster of persons licensed as registered professional nurses or licensed practical nurses in this State shall be the actual cost of producing such a roster.
 7) The fee for processing a fingerprint card by the Department of State Police is the cost of processing which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1300.20 Application for Examination or Licensure

a) Each applicant shall file, with the testing service designated by the Department of Professional Regulation (the Department), a completed, signed application, on forms supplied by the Department, which includes:
 1) proof of graduation from a nursing education program that meets the requirements of Section 1300.40 of this Part;
 2) signature of the Director of the nursing education program or other person designated by the Director of the nursing education program;
 3) a complete work history since graduation from a practical nurse education program or a professional nurse education program, whichever came first;
 4) verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out-of-state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1300.15. Fingerprints shall be taken within 60 days of application;
 5)~~4)~~ the required fees set forth in Section 1300.15 of this Part;
 6)~~5)~~ proof of passage for registered professional nurse applicants of:
 A) the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination for all persons applying after January 1, 1984, who completed a nursing education program in a country other than the United States or its territories; or
 B) the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the TOEFL computer-based test for those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are

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licensed in a country other than the United States or its territories and determined by the Board educationally prepared in nursing;

7)~~6)~~ official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received practical nursing education in the military service. This education must meet the standards set forth in Section 1300.40; and

8)~~7)~~ certification, on forms provided by the Department, from the jurisdiction(s) in which the applicant has ever been licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted under Section 5-15(g) or(i) of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.

c) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the Director of nursing education shall include an explanation in the certification.

d) Pursuant to Section 10-35 of the Act, when an applicant has completed a nonapproved program that is a correspondence course or a program of nursing that does not require coordinated or concurrent theory and clinical practice, the Department may grant a license to an applicant who has applied in accordance with subsection (a) and who has received an advanced graduate degree in nursing from an approved program with concurrent theory and clinical practice or who is currently licensed in another state and has been actively practicing in nursing for a minimum of 2 years. Clinical practice for purposes of this Section means nursing practice that involves direct physical (psychomotor and psychosocial) patient (client) care with an acute care facility.

1) Clinical practice areas that would meet the requirements for clinical practice include the following:

A) Adult Medical Surgical Nursing

B) Pediatric Nursing

C) Maternity Nursing

D) Emergency Nursing

E) Critical Care Nursing

F) Post-Anesthesia Care Nursing

2) Clinical practice shall not include:

A) Telephone or Triage Nursing

B) Patient Education (i.e., diabetic education)

C) Patient Counseling

3) A year of clinical practice consists of not less than 1500 hours of direct patient care.

4) The Board of Nursing will review clinical practice documentation that does not meet the requirements of this subsection (d).

e)~~d)~~ Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.

f)~~e)~~ After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.

g~~f~~) If an applicant has taken and passed the National Council Licensure Examination (NCLEX) in accordance with Section 1300.25 of this Part, the applicant shall file an application in accordance with subsection (a) above and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1300.30 Licensure by Endorsement

a) Each applicant who is licensed in another jurisdiction shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Department. The application shall include:

1) the required fee in Section 1300.15 of this Part;

2) proof of graduation from a nursing education program that meets the requirements of Section 1300.40;

3) proof of passage of an examination recognized by the Department, upon recommendation of the Board (i.e., National Council Licensure Examination for professional nurses or practical nurses, or State Board Test Pool Examination for professional nurses or practical nurses);

4) a complete work history since graduation from a practical nurse education program or a professional nurse education program, whichever came first;

5) verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out-of-state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1300.15. Fingerprints shall be taken within 60 days of application;

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6)~~5)~~ for registered nurse applicants who received education outside of the United States:

A) proof of passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination for all persons licensed in their original jurisdictions subsequent to January 1, 1984, who completed their nursing education program in a country other than the United States or its territories. An applicant shall be exempt from taking the CGFNS examination if the applicant:

i) has passed the examination authorized by the Department as set forth in Section 1300.25;

ii) holds an active, unencumbered license in another state; and

iii) has been actively practicing for a minimum of 2 years in the other state.

Applicants who are exempt from taking the CGFNS examination shall submit a copy of the evaluation (the Nursing and Science Course Report) of nursing education credentials submitted by a Department approved nursing credentialing evaluation service. The Department has determined, upon recommendation of the Board, that the Commission on Graduates of Foreign Nursing Schools is an approved evaluation service;

B) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 or 213 on the TOEFL computer based test is required of those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories if determined educationally prepared in nursing;

7)~~6)~~ official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received his/her education in the military service. Education must meet the standards for education as set forth in Section 1300.40;

8)~~7)~~ verification of licensure status from all jurisdictions in which licensure has ever been granted that includes active practice in another jurisdiction within the last 5 years; and

9)~~8)~~ a certified translation for all credentials of education and licensure, if not in English.

b) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.

c) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.

d) Compliance with the provisions of Section 1300.25(b)(3) and(c)(3) for each registered professional nurse applicant and each practical nurse applicant, respectively, shall be a requirement for Illinois nurse licensure by endorsement.

e) Eligibility for Practical Nurse Endorsement
A candidate who is unable to pass the registered professional nurse examination in another jurisdiction and is allowed to write the practical nurse examination in that jurisdiction and is subsequently licensed as a practical nurse in that jurisdiction is not eligible for endorsement in Illinois unless and until such candidate has graduated from an approved practical nursing education program.

f) Individuals applying for licensure by endorsement may apply to the Department, on forms provided by the Department, to receive a Temporary Endorsement Permit pursuant to Section 10-40 of the Act. Such permit shall allow the applicant to work pending the issuance of a license by endorsement.

1) The temporary endorsement permit application shall include:

A) a completed, signed endorsement application, along with the required endorsement licensure fee as set forth in Section 1300.15 of this Part. All supporting documents shall be submitted to the Department before a permanent license by endorsement shall be issued;

B) photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the National Council Network (NCNET) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file; ~~and~~

C) Verification that fingerprints have been submitted to the Department or the Illinois Department of State Police or its designated agent; and

D)~~C)~~ the fee for a temporary permit as required in Section 1300.15 of this Part.

2) The Department shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (f)(1) above.

3) Temporary permits shall be terminated upon:

A) the issuance of a permanent license by endorsement;

B) failure to complete the application process within 6 months from the date of issuance of the permit;

C) a finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:

i) felony, or

ii) misdemeanor directly related to the practice of nursing within the last 5 years;

D) a finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is

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substantially equivalent to grounds in Illinois, within the last 5 years; or

E) a finding by the Department that the applicant does not meet the licensure requirements for endorsement as set forth in this Section. The Department shall notify the applicant in writing of such termination.

The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections (f)(3)(D) and (E) above and/or Section 10-30 of the Act.

4) A temporary permit shall be renewed beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship as defined below:
 A) serving full-time in the Armed Forces;
 B) an incapacitating illness as documented by a currently licensed physician;
 C) death of an immediate family member; or
 D) extenuating circumstances beyond the applicant's control as approved by the Director.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1300.44 Standards for Pharmacology/Administration of Medication Course for Practical Nurses

a) Approved licensed practical nursing programs shall include a course designed to educate practical nursing students and/or licensed practical nurses to administer medications via oral, topical, subcutaneous, intradermal and intramuscular routes under the direction of a registered professional nurse, licensed physician, or licensed dentist which contains the following minimum components:
 1) Prerequisites
 A) Basic computational math and high school algebra with proficiency in the following concepts, including but not limited to, ratios and proportions and metric, apothecary and household measurements as documented via examination and/or coursework completed.
 B) Basic scientific knowledge including, but not limited to, microbiology/asepsis and anatomy and physiology with a basic understanding of fluid and electrolytes, the inflammatory response, the immune response, and body systems as documented via examination or coursework.
 2) Pharmacology
 A) An introduction to pharmacology including the areas of:
 i) Terminology and abbreviations
 ii) Federal and State laws related to pharmacology (e.g., Illinois Controlled Substances Act [720 ILCS 570]; federal Food, Drug and Cosmetic Act (21 USC 360))
 iii) Drug standards and references (i.e., United States Pharmacopoeia/National Formulary)
 iv) Generic versus brand name drugs
 v) Misuse/abuse of drugs
 B) Classifications of drugs (with commonly used examples) including:
 i) Action/Physiological effect
 ii) Interactions
 iii) Side effects and contraindications
 iv) Dosages and routes
 v) Nursing implications (including legal implications)
 3) Administration of Medication
 A) Following procedures of safety as described in subsections (a)(3)(C), (a)(3)(D), (a)(3)(E), and (a)(3)(F) in administering medications.
 B) Developmental adaptations for administering medications to patients of all ages.
 C) Assessment of patient condition.
 D) Planning for administration of medication including:
 i) Checking for doctor's order
 ii) Securing proper equipment
 iii) Verifying proper packaging of medication
 E) Implementation of administration of medication including:
 i) Site selection
 ii) Verifying route of administration
 iii) Administering the medication
 iv) Recording medication administration
 v) Patient education for compliance
 F) Evaluation of patient response including:
 i) Effects/side effects/allergic responses
 ii) Recording/reporting of effects

b) These requirements shall not preclude a flexible curriculum that would provide appropriate integration into other practical nursing courses.

c) The course/instruction shall include at least 32 hours of theory and 64 hours of lab and clinical with administration of medication to patients performed under direct supervision of qualified faculty as set forth in subsection (d) of this Section.

d) Nurse faculty of pharmacology and administration of medication courses shall have:
 1) At least two years experience in clinical nursing practice;
 2) A baccalaureate degree with a major in nursing;
 3) A current Illinois Registered Professional Nurse license.

e) Approved licensed practical nursing programs shall include a curriculum designed to educate practical nursing students and/or licensed practical nurses to perform the following activities related to intravenous therapy under the supervision of a registered professional nurse, licensed physician, or licensed dentist:

1) Monitoring the flow rate of existing intravenous lines.
2) Regulating peripheral fluid infusion rates.
3) Observing sites for local reaction and reporting results to the registered nurse.
4) Discontinuing intravenous therapy with an order from a physician.
5) Adding non-medicated solutions to existing patent lines.
6) Changing peripheral intravenous tubings and dressings.
7) Monitoring existing transfusions of blood and blood components.
8) Documenting intravenous procedures performed and observations made.

Practical nursing programs have until August 2000 to add the intravenous therapy content set forth in this subsection (e) to their curriculum.

f) This curriculum may be ~~is--not~~ designed to prepare the licensed practical nurse to start intravenous therapy; however, it does not have to include such preparation in the curriculum.

g) The curriculum shall not include the following procedures:
1) Administering chemotherapeutic agents via intravenous routes.
2) Starting or adding blood or blood components.
3) Administering medications via intravenous push.
4) Adding medication to existing intravenous infusions, including heparin in heparin locks.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1300.48 Restoration

a) A licensee seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of the fees required by Section 1300.15 of this Part.

b) A licensee seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee set forth in Section 1300.15(b) of this Part.

c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the restoration fee(s) specified in Section 1300.15(c)(1) of this Part, when restoring an expired license, or the current renewal fee set forth in Section 1300.15(b), when restoring an inactive license. The licensee shall also submit proof of fitness to practice, which includes one of the following:
1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

2) An affidavit attesting to military service as provided in Section 20-10 of the Act. If application is made within 2 years after discharge, and if all other provisions of Section 20-10 of the Act are satisfied, the applicant will be required to pay the current renewal fee; or
3) Proof of successful completion of a current nursing practice update course, which shall include evaluated clinical experience, approved by the Department, as specified in Section 1300.41 of this Part; or
4) Proof of satisfactory completion of a medical-surgical nursing theory and clinical course in a nursing education program as defined in Section 1300.40 of this Part for practical or registered nurse licensure, consistent with the license which the individual is seeking to restore; or
5) Proof of satisfactory completion of a course that includes:
A) A self-study nursing theoretical component that is:
i) Approved by another state nursing licensing authority and includes medical-surgical nursing across the life span and consists of a minimum of 36 hours for practical nurses or 48 hours for registered nurses; or
ii) Approved by the Department and contains assessment of theoretical and skill learning needs, a plan for content with objectives and a plan for documentation of successful completion; and
B) A clinical practice component that includes:
i) Sponsorship by a health care delivery institution or nursing education program that meets the requirements set forth in Section 1300.41 of this Part;
ii) A minimum 96 hours for registered nurses and 64 hours for practical nurses of supervised patient care with progressive activities;
iii) Completion of the minimal skills list provided by the Department; and
iv) Identification of a registered nurse preceptor.

The licensee shall also submit verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Licensees shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out-of-state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205. Fingerprints shall be taken within 60 days of application.

d) Individuals applying for licensure by restoration may apply to the Department, on forms provided by the Department, to receive a Temporary Restoration Permit. Such permit shall allow the applicant

to work pending the issuance of a license by restoration.

1) The temporary restoration permit application shall include:
 A) A completed signed restoration application, along with the required restoration licensure fee as set forth in Section 1300.15 of this Part. All supporting documents shall be submitted to the Department before a permanent license by restoration shall be issued;
 B) Either:
 i) Photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions (current active licensure in at least one United States jurisdiction is required); or
 ii) Verification of employment in nursing practice within the last 5 years in a United States jurisdiction; ~~and~~
 C) Verification that fingerprints have been submitted to the Department or the Illinois Department of State Police or its designated agent; and
 D)~~C)~~ The temporary restoration permit fee as required in Section 1300.15 of this Part.
2) The Department shall issue a temporary restoration permit no later than 14 days after receipt of a completed application as set forth in subsection (d)(1) above.
3) Temporary permits shall be terminated upon:
 A) The issuance of a permanent license by restoration;
 B) Failure to complete the application process within 6 months from the date of issuance of the permit;
 C) A finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:
 i) Felony, or
 ii) Misdemeanor directly related to the practice of nursing within the last 5 years;
 D) A finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or
 E) The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections ~~subsection~~ (d)(3)(C) and (D) above and/or Section 10-45 of the Act.
4) A temporary permit shall be extended beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship as defined below:
 A) Serving full-time in the Armed Forces;
 B) An incapacitating illness as documented by a currently licensed physician;

 C) Death of an immediate family member; or
 D) Extenuating circumstances beyond the applicant's control as approved by the Director.

e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee will be requested to:
 1) Provide such information as may be necessary; and/or
 2) Appear for an oral interview before the Board to explain such relevance or sufficiency, clarify information, or clean up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 1300.75 Refusal to Issue a Nurse License Based on Criminal History Record

a) For purposes of this Part, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.

b) In determining whether an applicant for a nurse license is unfit for licensure because of criminal history record information, the Department shall consider the following standards:
 1) Whether the crime was one of armed violence [720 ILCS 5/Art. 33A] or moral turpitude. Moral turpitude consists of:
 A) Crime involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).
 B) Drug offenses including but not limited to violations of the Illinois Controlled Substances Act [720 ILCS 570/Art. I] and Federal Drug Enforcement Laws (21 USC 801 et seq.).
 C) Sex offenses including but not limited to all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].
 2) Whether the crime is related to the nursing profession.
 3) Whether more than 10 years have elapsed since the date of

completion of imposed sentence.

4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.

a) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Department shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:

A) Completion of probation;

B) Completion of parole supervision; or

C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b):

1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);

2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;

3) Falsification of an application for licensure with the Department;

4) Failure to furnish to the Department additional information or failure to appear for an interview or meeting with the Department in relation to the applicant's application for licensure.

d) The following criminal history records shall not be considered in connection with an application for licensure:

1) Juvenile adjudications;

2) Records of arrest not followed by a conviction;

3) Convictions overturned by a higher court;

4) Convictions that have been the subject of a pardon or expungement.

e) Notification of denial, revocation, suspension, or intent to refuse to renew; request for hearing

1) If the determination is made that the applicant is unfit for licensure, the Department shall send notice of denial, revocation, suspension, or intent to refuse to renew by certified mail, return receipt requested, to the applicant at the applicant's last known address or by personal delivery to the applicant. All such notices will include a statement of the reason for the Department's action.

2) An applicant may request a hearing to contest the Department's action pursuant to 68 Ill. Adm. Code 1110. The request shall be in writing, and must be received by the Department not later than 20 days after the date the Department mailed or personally delivered the notice of its action to the applicant.

3) After receipt of a request for a hearing and prior to any such hearing, the Department shall schedule an informal conference with the applicant in an attempt to resolve issues in controversy

consensually. The Department shall notify the applicant of the informal conference at least 20 days prior to the hearing. Failure by the applicant to attend the informal conference shall act as a withdrawal of the applicant's request for a hearing.

(Source: Added at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Service Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 140

3)

Section Numbers:	Proposed Action:
140.101	Amendment
140.105	Amendment
140.106	New Section
140.108	New Section
140.109	New Section
140.110	New Section
140.125	Amendment
140.126	Amendment
140.135	Repeal
140.145	Amendment
140.201	Amendment
140.301	Amendment
140.901	Amendment
140.1001	Amendment
140.1005	Amendment
140.1010	Repeal
140.1015	Repeal
140.1025	Amendment
140.1305	Amendment
140.1401	Amendment

4) Statutory Authority: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Sections 39b19 and 39b30 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19 and 39b30]

5) A Complete Description of the Subjects and Issues Involved: These regulations amend and add new rules governing the Service Occupation Tax to explain the various methods that may be utilized by servicemen to handle their tax liability. In particular, the regulations seek to provide guidance regarding the various "de minimis" methods that may be utilized by servicemen to handle their tax liability. Rules have been expanded to clarify the "unregistered de minimis" method, authorized by the provisions of Public Act 86-905. The rules also explain and provide examples of the "registered de minimis" method of handling liability, which was authorized by P.A. 87-876. The rules also implement recent legislation providing special procedures for multi-service transactions between unregistered de minimis servicemen, as authorized by P.A. 89-675. The rules clarify that the unregistered de minimis method is available for out-of-State servicemen, and that, consequently, service customers will not incur Service Use Tax liability when making purchases from such servicemen. The rules provide numerous "pass-through" exemptions for unregistered de minimis servicemen.

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6) Will this proposed amendment replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Jerilynn T. Gorden
Senior Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Persons acting as servicemen will be affected by these regulations

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping/accounting skills

C) Types of professional skills necessary for compliance: Bookkeeping

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 140
SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
140.101 Basis and Rate of the Service Occupation Tax
140.105 Calculation of Tax Incurred by Servicemen - Threshold Determination of Cost Ratio ~~Registration of Servicemen~~
140.106 When Cost Ratio is 35% or Greater, Service Occupation Tax Liability Is Incurred by Servicemen on Their Selling Price
140.108 "De Minimis" Servicemen Who Incur Use Tax on Their Cost Price
140.109 "De minimis" Servicemen Who Incur Service Occupation Tax on Their Cost Price
140.110 Example of Methods Used by Servicemen to Determine Liability ~~Presumption that Tax Applies (Repealed)~~
140.115 Occasional Sales to Servicemen by Suppliers (Repealed)
140.120 Meaning of Serviceman
140.125 Examples of Nontaxability
140.126 Taxation ~~Exemption~~ of Food, Drugs and Medical Appliances
140.127 Service Provided to Persons Who Lease Tangible Personal Property to Exempt Hospitals
140.128 Persons Who Lease Tangible Personal Property to Governmental Bodies
140.130 Suppliers of Printers (Repealed)
140.135 Sales of Drugs and Related Items, to or by Pharmacists (Repealed)
140.140 Other Examples of Taxable Transactions
140.145 Multi-Service Situations

SUBPART B: DEFINITIONS

Section
140.201 General Definitions

SUBPART C: BASE OF THE TAX

Section
140.301 Cost Price
140.305 Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

Section
140.401 Monthly Returns When Due -- Contents of Returns
140.405 Annual Tax Returns
140.410 Final Return

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140.415 Taxpayer's Duty to Obtain Form
140.420 Annual Information Returns by Servicemen
140.425 Filing of Returns for Serviceman "Suppliers" by their Suppliers Under Certain Circumstances
140.430 Incorporation by Reference

SUBPART E: INTERSTATE COMMERCE

Section
140.501 Sales of Service Involving Property Originating in Illinois
140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section
140.601 General Information

SUBPART G: BOOKS AND RECORDS

Section
140.701 Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section
140.801 General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section
140.901 Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section
140.1001 Payment of Tax ~~to the Supplier~~
140.1005 Receipt to be Obtained for Tax Payments
140.1010 Payment of Tax Directly to the Department (Repealed)
140.1015 Itemization of the Tax by Suppliers (Repealed)
140.1020 Use of Bracket Chart
140.1025 Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING -- MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section
140.1101 Filing of Documents with the Department

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SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
140.1201 When Lessee of Premises May File Return for Leased Department
140.1205 When Lessor of Premises Should File Return for Leased Department
140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section
140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)
140.1305 When Purpose of Serviceman's Purchase is Unknown
140.1310 Blanket Percentage Exemption Certificates (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
140.1401 Claims for Credit -- Limitations -- Procedure
140.1405 Disposition of Credit Memoranda by Holders Thereof
140.1410 Refunds
140.1415 Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill.

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Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective May 7, 1996; amended at 20 Ill. Reg. 16211, effective December 16, 1996; amended at 24 Ill. Reg. 8125, effective May 26, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART A: NATURE OF TAX

Section 140.101 Basis and Rate of the Service Occupation Tax

a) The Service Occupation Tax Act (the Act) [35 ILCS 115]~~, Ill. Rev. Stat. 1989, ch. 120, pars. 439.101 et seq.~~ imposes a tax upon persons engaged in this State in the business of making sales of service, based on tangible personal property transferred incident to sales of service. These persons are referred to in this Part ~~hereinafter~~ as servicemen.

b) Rate of Tax. ~~The rate of the tax after September 30, 1969, is 4%, and on and after January 1, 1984, and prior to January 1, 1990, is 5% of the serviceman's cost price of tangible personal property transferred by the serviceman as an incident to a sale of service. Except as provided in subsection (g), on and after January 1, 1990, the rate of tax is 6.25% of the selling price of tangible personal property transferred by the serviceman.~~ The rate of Service Occupation Tax (SOT) incurred by a serviceman from October 1, 1969 through December 31, 1983, is 4%, and on and after January 1, 1984 and prior to January 1, 1990, is 5% of the serviceman's cost price of tangible personal property transferred by the serviceman incident to a sale of service. On and after January 1, 1990, if SOT is computed on the selling price or Use Tax is computed on the cost price of the tangible personal property transferred incident to sales of service, the rate is 6.25%. On and after January 1, 1993, if SOT is computed on the cost price of tangible personal property transferred incident to service, the rate is also 6.25%. Exceptions to these rules, however, are as follows:

1) On and after January 1, 1984, and prior to January 1, 1990, food for human consumption that is to be consumed off the premises where it is sold (other than soft drinks, alcoholic beverages and food that has been prepared for immediate consumption and except as provided in subsection (b)(2)) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use, will be taxed at the rate of 0%. On and after January 1, 1990, the rate of tax will be 1%.

2) Effective January 1, 1993, food prepared for immediate consumption and transferred incident to a sale of service by an

entity licensed under the Hospital Licensing Act or the Nursing Home Care Act shall be subject to tax at the rate of 1%. Effective August 13, 1999, the 1% rate shall also apply to food prepared for immediate consumption and transferred incident to a sale of service by an entity licensed under the Child Care Act of 1969.

3) *Beginning on July 1, 2000 through Decemeber 31, 2000, with respect to motor fuel and gasohol, the tax is imposed at the rate of 1.25%* (Section 3-10 of the Act). (See the provisions of 86 Ill. Adm. Code 130.101, which is incorporated by reference as if fully set forth in this subsection (b).)

c) The date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property that the serviceman transfers as an incident to a sale of service.

d) When a serviceman contracts to design, develop and produce special order machinery or equipment, the tax imposed under the Service Occupation Tax shall be based on the serviceman's cost price of the tangible personal property transferred incident to completion of the contracts (Section 3 of the Act) regardless of that serviceman's annual threshold.

~~c) On and after January 1, 1984, and prior to January 1, 1990, food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages and food which has been prepared for immediate consumption), and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing utensils, syringes, and needles used by diabetics, for human use, will be taxed at the rate of 0%. On and after January 1, 1990, the rate of tax will be 1%. Food does not include soft drinks.~~

~~d) The date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman transfers as an incident to service.~~

e) *Effective January 1, 1990, for the purpose of determining the tax base, selling price shall in no event be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred incident to a sale of service may be stated as a distinct item by the serviceman to the service customer and the tax imposed by the Act shall when collected be stated as a distinct item separate and apart from the selling price of the tangible personal property. If the selling price of each item of tangible personal property transferred incident to a sale of service is not stated as a separate item on the serviceman's billing to the service customer, then the tax imposed by the Act shall be based on 50% of the serviceman's entire billing to the service customer* (Section 3 of the Act), but in no event shall this amount be less than the cost price to the serviceman of the tangible personal property so transferred.

f) Taxpayers who are registered may purchase all tangible personal property for retransfer by providing their suppliers with valid resale

certificates even if in some transactions the cost price of the tangible personal property will be less than 35% of the total gross receipts from the transaction. If the serviceman paid tax to his supplier in the expectation that the cost of parts would be less than 35% of the total transaction selling price, but the actual percentage was more than 35%, the serviceman would be able to take credit for the tax paid to the supplier but would be liable for tax on the selling price of the parts, if stated, or on 50% of the total transaction selling price. In the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, replace the references to 35% in this subsection with 75%. The serviceman may also be liable for penalties due to a failure to file returns.

~~f) A serviceman making a sale of service in which the cost price of tangible personal property transferred as an incident to the sale of service is less than 35% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production as the term graphic arts production is defined in Section 2-30 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 2-30)) of the total gross receipts from the transaction is not subject to Service Occupation Tax. However, the purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax and Use Tax and should be paid by the serviceman to his supplier or self assessed and paid to the Department. A serviceman may determine the 35% threshold as follows:~~

~~1) Transaction by transaction method. A service transaction means all sales of services set forth on a single invoice. For example, in a car repair transaction, several different services may be billed on one invoice. All such services shall be grouped and considered together to determine if the cost of goods is 35% or more of that total transaction amount.~~

~~Example:~~

	~~COST PRICE~~	~~SELLING PRICE~~	~~LABOR CHARGE~~	~~TOTAL SERVICE CHARGE~~
~~1. Replace exhaust, pipes, muffler, clamps~~	~~$60.00~~	~~$100.00~~	~~$50.00~~	~~$150.00~~
~~2. Fix Brakes: A) turn rotors, MB) pads, master cylinder, fluid~~	~~150.00~~	~~250.00~~	~~40.00~~ ~~80.00~~	~~40.00~~ ~~330.00~~
~~3. Oil change, filter five quarts of oil~~	~~4.00~~	~~8.00~~	~~10.00~~	~~18.00~~
	~~$214.00~~	~~$358.00~~	~~$180.00~~	~~$538.00~~

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~~Therefore,--$214.00--cost--of--parts--=--39%-of-the-$530.00-total transaction-amount.--Service-Occupation-Tax-(SOT)-is-due--on--the $350.00-selling-price-of-the-parts-when-that-amount-is-separately stated--on--the--bill-apart-from-the-$180.00-charge-for-labor.-If the-selling--price--of--the--parts--is--not--specifically--stated ($350.00)--on--the--invoice,--one-half--of--the-total-transaction amount-($530.00-divided-by-2-=-$269.00)-is-subject-to-SOT.---(The cost--price--of--the--parts--need-not-be-stated-on-the-customer's invoice,-but-is-shown-here-for-illustrative-purposes--only.)---If the--cost--price--of--the--parts--was--less-than-35%-of-the-total service-charge,-the-serviceman-would-self-assess-Use-Tax--on--the purchase--price--($214.00)-of-the-parts-if-tax-was-not-previously paid-to-the-supplier.--If-tax--was--paid--to--the--supplier,--the serviceman--is--not-required-to-collect-tax-as-a-specific-item-on the-invoice-to-the-customer.--Retail-sales-subject-to--Retailers' Occupation--Tax,--such-as-"over-the-counter"-sales-of-parts,-must be-excluded-when-determining-the-35%-threshold.~~

~~2) Annual-aggregate-method.--A-serviceman-may-elect-to-determine--if he--is--under--the--35%--cost--of--materials-to-total-transaction selling-price-ratio-by-examining-the-total-annual-aggregate--cost of--parts--transferred-in-the-course-of-providing-service-and-the total-annual--aggregate--receipts--from--the--sales--of--service, including--sales--of-service-in-which-no-property-is-transferred. The-cost-of-materials-sold-at-retail-or--removed--from--inventory for--use,--or--incorporated--into-repairs-of-real-estate,-must-be excluded-when-determining-the-above--percentage--threshold.---The annual--aggregate--method--will-be-determined-on-the-basis-of-the taxpayer's-fiscal-year.--The-taxpayer-may--elect--to--use--either method--to--determine--the-cost-of-materials-to-total-transaction selling-price-ratio.~~

~~g) *When-a-serviceman-contracts-to-design,--develop--and--produce--special order--machinery--or--equipment,--the-tax-imposed-by-this-Act-shall-be based-on-the-serviceman's-cost-price-of-the-tangible-personal-property transferred-incident-to-the-completion-of-the-contract.* (Section-3--of the-Act).~~

~~h) Taxpayers--who--are--registered--may--purchase--all--tangible-personal property-for-retransfer-by-providing-their-suppliers-with-valid-resale certificates-even-if-in--some--transactions--the--cost--price--of--the tangible--personal--property--will-be-less-than-35%-of-the-total-gross receipts-from-the-transaction.--If-the--serviceman--paid--tax--to--his supplier--in-the-expectation-that-the-cost-of-parts-would-be-less-than 35%-of-the-total-transaction-selling-price,-but-the-actual--percentage was-more-than-35%,-the-serviceman-would-be-able-to-take-credit-for-the tax--paid--to--the-supplier-but-would-be-liable-for-tax-on-the-selling price-of-the-parts,-if-stated,-or-on--50%--of--the--total--transaction selling--price.---In--the-case-of-servicemen-transferring-prescription drugs-or-servicemen-engaged-in-graphic-arts--production,--replace--the references-to-35%-in-this-subsection-with-75%.-The-serviceman-may-also~~

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~~be-liable-for-penalties-due-to-a-failure-to-file-returns.~~

~~i) Examples:~~

	Cost	Selling Price	Gross Receipts	Tax Base
~~Not--Separately Stated~~	~~$50.00~~	~~---0---~~	~~$62.50~~	~~$50.00---(Base is--never-less than------cost price.)~~
~~Separately Stated~~	~~$12.00~~	~~$15.00~~	~~$25.00~~	~~$15.00 (Selling price)~~
~~Not--Separately Stated~~	~~$12.00~~	~~---0---~~	~~$30.00~~	~~$15.00-(1/2-of gross receipts)~~
~~Separately Stated~~	~~$12.00~~	~~$10.00~~	~~$26.00~~	~~$12.00--(Cost/ selling-price)~~
	~~$2.00~~	~~$5.00~~	~~$10.00~~	~~Not-subject-to Service Occupation Tax.---Subject to--Retailers' Occupation--or Use---Tax--35% Rule-$2.00)~~

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.105 Calculation of Tax Incurred by Servicemen - Threshold Determination of Cost Ratio ~~Registration-of-Servicemen~~

a) On and after January 1, 1990, a serviceman may incur either Service Occupation Tax or Use Tax liability when transferring tangible personal property incident to retail sale of service. The type of tax liability incurred depends upon several factors. The single most important factor is determining the cost ratio between the annual aggregate cost of tangible personal property transferred incident to sales of service and the annual gross receipts from all sales of service.
If this cost ratio is 35% or greater (75% or greater in the case of servicemen transferring prescription drugs or engaged in graphic arts production), the serviceman is required to register and remit Service Occupation Tax on his selling price, as explained in Section 140.106.

b) When the cost ratio is below 35% (75% in the case of servicemen

transferring prescription drugs or engaged in graphic arts production), the serviceman, in lieu of paying Service Occupation Tax on the selling price, has the following options:

1) From January 1, 1990 until December 31, 1992, if the cost ratio is below 35% (or less than 75% in the case of servicemen transferring prescription drugs or engaged in graphic arts production), the serviceman may pay Use Tax on his cost price, if the conditions set out in Section 140.108 are met. However, on and after January 1, 1993, this option is not available if the serviceman is otherwise required to be registered as a retailer under Section 2a of the Retailers' Occupation Tax Act.

2) On and after January 1, 1993, if the cost ratio is below 35% (or 75% in the case of servicemen transferring prescription drugs or engaged in graphic arts production) and if the serviceman is otherwise required to be registered under Section 2a of the Retailers' Occupation Tax Act, the serviceman may pay Service Occupation Tax on his cost price, as explained in Section 140.109.

c) The cost of materials that are not transferred to customers incident to service, such as those sold at retail, removed from inventory for use, or incorporated into repairs of real estate, must be excluded when determining the cost ratio.

d) Beginning January 1, 1990 through December 31, 1992, a serviceman may determine if he meets the cost ratio on a transaction by transaction basis. On and after January 1, 1993, the taxpayer must make this determination on the basis of his fiscal year.

e) The annual aggregate cost of the tangible personal property transferred incident to sales of service, as well as the total annual receipts from sales of service, must be determined on the basis of the taxpayer's fiscal year. Prior years' ratios, while sometimes helpful, cannot be relied upon to establish the current year's threshold. Estimates can be made based on prior years, but if they are not accurate, the taxpayer must adjust the manner in which tax is calculated and remit all taxes, penalties and interest due.

f) The following example illustrates how to calculate this ratio:

Annual aggregage cost of parts	$ 56,000
Marked up selling price of parts	$ 75,600
Service or labor charge	$ 20,000
Sales of service only	$ 16,400
Annual gross receipts	$112,000

To figure the cost ratio, divide the annual aggreage cost of parts of $56,000 by the annual gross receipts of $112,000.

$56,000 - 112,000 = .50 or 50%

The cost ratio is 50%. So, for example, if the serviceman is subject

to the 35% threshold, Service Occupation Tax on the serviceman's selling price will be incurred in this instance.

~~Effective January 1, 1990, each serviceman is required to register with the Department and file returns, remitting the tax due less a discount of 1.75% or $5.00 per calendar year, whichever is greater, unless the tax obligation is satisfied under the provisions of Section 140.101(f) of this Part.~~

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.106 When Cost Ratio is 35% or Greater, Service Occupation Tax Liability Is Incurred by Servicemen on Their Selling Price

a) If the cost ratio between the tangible personal property transferred incident to sales of service and the serviceman's total annual gross receipts from all sales of service is 35% or greater (75% or greater in the case of servicemen transferring prescription drugs or engaged in graphic arts production), the serviceman must register and remit Service Occupation Tax. Unless a lower rate is applicable (see Section 140.101(b)), the Service Occupation Tax incurred is based upon 6.25% of the selling price of the tangible personal property transferred incident to sales of service. A serviceman may determine "selling price" in the following ways:

1) Separately stated selling price. If the serviceman separately states the selling price of the tangible personal property transferred incident to service on billings to service customers, then his Service Occupation Tax Liability is based on that separately stated selling price. However, in no event can the Service Occupation Tax liability be based on an amount less than the serviceman's cost price of the tangible personal property being transferred.

2) Fifty percent base. If the serviceman's bill to the service customer does not separately state the selling price of the tangible personal property transferred, the serviceman's Service Occupation Tax liability is based on 50% of the entire customer bill. However, in no event can the Service Occupation Tax be based on an amount less than the serviceman's cost price of the tangible personal property being transferred.

b) A serviceman who incurs SOT on his selling price should provide Certificates of Resale to his suppliers when purchasing tangible personal property that will be transferred to service customers.

c) A serviceman who incurs SOT on his selling price is liable for local Service Occupation Taxes, which are based upon his location. If he fails to provide suppliers with Certificates of Resale and instead pays tax to suppliers, the consequence could be an underpayment of local Service Occupation Tax, with resulting liabilities for tax, penalty and interest.

d) A serviceman who incurs SOT on his selling price is authorized to claim any exemption provided for in the Service Occupation Tax. For example, he may claim the interstate commerce exemption or accept various exemption certificates from his customers (e.g., Certificates of Resale, exemption identification numbers).

e) Service Use Tax must be collected from service customers by a serviceman who incurs SOT on his selling price and must be based upon either the separately stated selling price of the tangible personal property transferred or 50% of the entire customer bill, depending upon how it is billed to the customer. Any tax collected over this amount constitutes an overcollection of tax that must be refunded to the service customer, or if not refunded to the service customer, paid to the Department. The tax need not be separately stated on the service billing unless so requested by the service customer.

f) Example. Servicemen paying SOT on selling price would include auto body shops that are at or above the 35% threshold. Their tax liability will be based upon either the separately stated selling price of the parts transferred or 50% of the entire service bill to the customer. They should provide suppliers with Certificates of Resale.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 140.108 "De Minimis" Servicemen Who Incur Use Tax on Their Cost Price

a) If a serviceman's cost ratio is less than 35% (or less than 75% in the case of servicemen transferring prescription drugs or engaged in graphic arts production), he is considered a "de minimis" serviceman. On and after January 1, 1990 for all de minimis servicemen, and on and after January 1, 1993 for de minimis servicemen not required to be registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, a Use Tax liability may be incurred on the cost price of the tangible personal property transferred to service customers incident to his sales of service. Examples of servicemen that are not required to be registered under Section 2a of the Retailers' Occupation Tax Act include barbers or seamstresses making no "over-the-counter" retail sales. Other examples could include servicemen who make no taxable retail sales but who have obtained resale numbers under Section 130.1410, or servicemen who are registered solely to pay Use Tax on consumable supplies. De minimis servicemen eligible to pay Use Tax on their cost price must observe the following conditions:

1) The de minimis serviceman incurring Use Tax liability should remit Use Tax to Illinois registered suppliers at the time of purchase. If the supplier is not registered to collect Use Tax, the de minimis serviceman must register with the Department for the limited purpose of self-assessing and remitting his Use Tax liability to the Department. The de minimis serviceman should

not provide Certificates of Resale to suppliers, even though he may possess a resale or registration number because the resale exemption is not available to de minimis servicemen incurring a Use Tax liability.

2) The de minimis serviceman incurring Use Tax liability is considered to be the end user of the tangible personal property transferred to service customers. In this situation, the de minimis serviceman's customer incurs no tax liability, since the customer is not the "user" of the tangible personal property transferred to him by the serviceman. Although liability rests with a serviceman, the Department has determined that a de minimis serviceman incurring a Use Tax liability may claim exemptions predicated upon either the exempt status of his customer or upon exemptions claimed by his customer based on nontaxable uses of the tangible personal property transferred by the serviceman. These exemptions are as follows:

A) A customer's status as an exempt entity shall "flow through" to the de minimis serviceman making the sale of service. The Department has determined that a de minimis serviceman is relieved of his Use Tax liability when making sales of service to customers who have obtained exemption identification numbers ("E" numbers) from the Department (see 86 Ill. Adm. Code 130.2005). The customer must provide its "E" number to the de minimis serviceman in order to relieve the de minimis serviceman of Use Tax liability on the sale of tangible personal property being transferred to that customer. The serviceman utilizing this flow through may either present the customer's "E" number to his supplier in advance when making the purchase of tangible personal property that will be transferred to the customer, or, if tax was paid to the supplier, present it to his supplier along with a request that the supplier submit a claim for credit to the Department. Such a claim may also be filed by the de minimis serviceman, himself, if he has previously self-assessed the tax on that item to the Department.

B) The Department has also determined that a de minimis serviceman incurring a Use Tax liability may claim any of the exemptions, except as provided in subsection (a)(2)(C), authorized under the Service Occupation Tax Act. For instance, these exemptions would include, but are not limited to, sales to customers who are able to properly document the farm chemicals, newsprint and ink, manufacturing machinery and equipment, graphic arts machinery and equipment, pollution control, farm machinery and rolling stock exemptions. De minimis servicemen may likewise claim the interstate commerce exemption, which is more fully explained at 86 Ill. Adm. Code 130.605.

C) A de minimis serviceman incurring Use Tax liability is not

authorized to accept resale certificates provided by service customers who claim they will resell the tangible personal property transferred to them by the serviceman.

D) In multi-service situations, in order for both the primary de minimis serviceman and the secondary de minimis serviceman to obtain any of the exemptions listed in subsections (a)(2)(A) and (B), the primary de minimis serviceman should provide the secondary de minimis serviceman with the proper documentation certifying the exemption.

3) The de minimis serviceman incurring Use Tax liability is not authorized to collect "tax" from service customers. The basis for this prohibition is that the de minimis serviceman, not the customer, is deemed to be the end user of the tangible personal property transferred. In this situation, the service customer incurs no tax liability. However, in this situation, the de minimis serviceman may collect "reimbursement" for his tax liability from the customer. If reimbursement is sought and appears as a separate item on the bill, it must clearly be identified as "reimbursement" for the serviceman's Use Tax liability, and not as a "tax." Any amount collected as a "tax" in this situation constitutes an overcollection that must be refunded to the customer or, if not refunded to the customer, paid to the Department.

4) A de minimis serviceman incurring Use Tax liability must remit Use Tax on all sales of service for a given fiscal year. He cannot utilize other methods of determining his Service Occupation Tax liability on a transaction by transaction basis. However, use of a transaction by transaction basis for determining tax liability was authorized for periods from January 1, 1990 through December 31, 1992.

5) For special rules on multi-service transactions, see Section 140.145 of this Part.

b) If a serviceman pays Use Tax to his suppliers in the expectation that his cost ratio will be less than 35% (or less than 75%, if applicable), but the actual ratio is 35% or more (75% or more, if applicable), the serviceman would be able to take credit for taxes paid to his supplier but would still be liable for Service Occupation Tax (including applicable local taxes). The serviceman may also be liable for penalties and interest. He should register with the Department immediately and begin remitting Service Occupation Tax on his selling price.

c) Even though a serviceman meets the de minimis threshold and is otherwise eligible to pay Use Tax on the cost price of the tangible personal property transferred to service customers, he can nevertheless register with the Department and pay Service Occupation Tax as explained in either Section 140.106 or 140.109.

d) Example of de minimis serviceman paying Use Tax. An unregistered

printer contracts to print wedding invitations. The printer has determined that his cost ratio falls below the 75% threshold. The entire service bill is $200. The printer's cost price of the paper and ink transferred to the customer is $75. If the printer is not required to be registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, he can remit Use Tax to his Illinois-registered supplier. If his supplier is not registered to collect the Use Tax, he may remit it directly to the Department, on the cost price of $75. The printer may not collect "tax" from his customer. The printer may not show "tax" on his bill to the customer. However, the printer may collect "reimbursement" from his customer as provided in subsection (a)(3) of this Section.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 140.109 "De Minimis" Servicemen Who Incur Service Occupation Tax on Their Cost Price

a) If a serviceman is below the 35% threshold (or under the 75% threshold for servicemen transferring prescription drugs or engaged in graphic arts production) but is otherwise required to be registered as a retailer under Section 2a of the Retailers' Occupation Tax Act because he incurs Retailers' Occupation Tax liability with respect to a portion of his sales, he does not incur a Use Tax liability based on his cost price of items transferred incident to service. Rather, except as provided in subsection (b), on and after January 1, 1993, he incurs and must remit Service Occupation Tax (including local taxes) on his cost price of the tangible personal property transferred incident to sales of service. Such de minimis servicemen include pharmacists transferring prescription drugs and also making over-the-counter sales of non-prescription drugs. Also, included would be repairmen transferring parts incident to service and also selling parts over-the-counter, or hair stylists transferring hair products incident to service and also making over-the-counter sales of shampoo and other hair care products. As a result of incurring Service Occupation Tax on his cost price, a de minimis serviceman is subject to the following conditions:

1) A de minimis serviceman incurring Service Occupation Tax liability on his cost price should provide Certificates of Resale to his suppliers when purchasing tangible personal property that will be transferred to service customers.

2) A de minimis serviceman incurring Service Occupation Tax liability on his cost price is also liable for local Service Occupation Taxes, which are based upon his location. If he fails to provide suppliers with Certificates of Resale and instead pays tax to suppliers, the consequence could be an overpayment of local tax to the supplier's location and an underpayment of local

occupation tax to the serviceman's location, with accompanying penalties and interest.

3) A de minimis serviceman incurring Service Occupation Tax liability on his cost price is authorized to claim any of the various exemptions provided for in the Service Occupation Tax. For example, he may claim the interstate commerce exemption or accept various exemption certificates from his customers (e.g., he can accept Certificates of Resale).

4) Service Use Tax must be collected from service customers by a de minimis serviceman incurring Service Occupation Tax liability on his cost price and must be based upon the serviceman's corresponding cost price of the tangible personal property transferred. Any tax collected over this amount constitutes an overcollection of tax that must be refunded to the service customer, or if not refunded to the service customer, paid to the Department. The tax need not be separately stated on the service billing unless so requested by the service customer.

5) A de minimis serviceman incurring Service Occupation Tax liability on his cost price must remit Service Occupation Tax on all taxable sales of service for a given fiscal year. He cannot utilize other methods of determining his Service Occupation Tax liability on a transaction by transaction basis.

b) Even though a serviceman meets the de minimis threshold and is otherwise eligible to pay Service Occupation Tax on his cost price, he can nevertheless opt to pay Service Occupation Tax on the selling price of the tangible personal property transferred to service customers as explained in Section 140.106.

c) Example of de minimis serviceman incurring Service Occupation Tax on cost price. An air conditioning repairman making repairs to window units also makes over-the-counter sales of parts to customers. He is under the annual 35% cost ratio. He makes a repair to a window unit for which he charges $85. The cost price of the parts transferred incident to the repair total $25. The repairman should provide a Certificate of Resale to his supplier and remit Service Occupation Tax, including local taxes, on the $25. He is required to collect Service Use Tax from his customer on the $25.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.110 Example of Methods Used by Servicemen to Determine Liability ~~Presumption that Tax Applies (Repealed)~~

An auto mechanic contracts to repair a customer's automobile. In this example, the serviceman's entire bill to the customer is $500. Labor costs account for $300 of the total, and the serviceman's cost price of parts transferred totals $100. The selling price of the parts, if separately stated, would be $200. The following chart represents the manner in which this serviceman might incur tax

under the different methods discussed in Sections 140.106, 140.108 and 140.109.

a) Registered Servicemen

	Cost Price	Selling Price	Gross Receipts	Service Occupation Tax Base
Separately Stated	$100	$200	$500	$200 (Selling price)
Not Separately Stated	$100	-0-	$500	$250 (1/2 of gross receipts)
De Minimis (paying SOT on cost price)	$100	$200	$500	$100 (Cost price)

b) De minimis serviceman not required to be registered as a retailer under Section 2a of the Retailers' Occupation Tax Act.

Cost Price	Selling Price	Gross Receipts	Service Occupation Tax Base
$100	$200	$500	**

**(Not subject to Service Occupation Tax if not required to be registered as a retailer under Section 2a of the Retailers' Occupation Tax Act. Subject instead to Use Tax on $100, see Section 140.108.)

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 140.125 Examples of Nontaxability

The tax does not apply to:

a) sales of intangible personal property;

b) sales of real property;

c) sales of personal services as such;

d) sales of tangible personal property which come within the protection of the Commerce Clause of the Constitution of the United States (see Subpart E of this Part);

e) personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited

liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise ~~purchases of tangible personal property where the serviceman gives a valid exemption certificate to his supplier~~;

f) the retail selling of tangible personal property which is taxable under the Retailers' Occupation Tax Act [35 ILCS 120] or the Use Tax Act [35 ILCS 105];

g) a sale of tangible personal property for the purpose of resale apart from the purchaser's engaging in a service occupation, made in compliance with Section 2c of the Retailers' Occupation Tax Act (Section 2 of the Act);

h) sales of tangible personal property as an incident to sales of service:

1) *to or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes* (Section 2(c) of the Act), in accordance with the provisions of 86 Ill. Adm. Code 130.2005, which is effective as if fully set forth in this subsection (h)(1);

2) *to or by any corporation, society, association, foundation or institution operated primarily for the recreation of persons aged 55 years or older which has no compensated officers or employees*, in accordance with the provisions of 86 Ill. Adm. Code 130.2005, which is effective as if fully set forth in this subsection (h)(2) (Section 2(c) of the Act);

3) *to or by any governmental body* (Section 2(c) of the Act), in accordance with the provisions of 86 Ill. Adm. Code 130.2055 and 130.2080, which are effective as if fully set forth in this subsection (h)(3);

~~4) *by any corporation, society, association, foundation or institution organized and operated as a not-for-profit service enterprise for the benefit of persons aged 65 years of age or older, only to the extent of purchases of personal property not purchased by the enterprise for the purpose of resale by the enterprise* (Section 2 of the Act);~~

45) *to a not-for-profit Illinois county fair association for use in conducting, operating or promoting the county fair* (Section 2 of the Act);

56) *to any not-for-profit arts or cultural organization that ~~it~~ has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.* Effective August 6, 1999, as amended by P.A. 91-439, this exemption applies to any not-for-profit arts or cultural organization that establishes that it *has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 USCA 501) and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations and media arts organizations* (Section 3-5 ~~2~~ of the Act).~~;~~

~~7)~~In order to qualify for exemption, all the above listed organizations must have been issued an active exemption identification number by the Department;

i) the sale, employment and transfer of such tangible personal property as newsprint and ink for physical incorporation into newspapers or magazines;

j) the incorporation of tangible personal property into real estate by a construction contractor, which activity constitutes a taxable "use" under the Retailers' Occupation Tax Act and the Use Tax Act, rather than the carrying on of a service occupation;

k) the sale, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities and low sulphur dioxide coal fueled devices, in accordance with the provisions of 86 Ill. Adm. Code 130.335, which are effective as if fully set forth in this subsection (k);

l) sales of stock tonics, serums and other medicinal products to veterinarians for retransfer as an incident to service in caring for ~~farm~~ animals that are to be sold or the products of which are to be sold;

m) sales of sprays and farm chemicals as an incident to service by persons engaged in the service occupation of spraying crops or applying farm chemicals for others, in accordance with the provisions of 86 Ill. Adm. Code 130.1955, which are effective as if fully set forth in this subsection (m);

n) sale of either new or used farm machinery, equipment or replacement parts transferred as an incident to a sale of service for use in production agriculture or for use in State ~~state~~ or federal agricultural programs, in accordance with the provisions of 86 Ill. Adm. Code 130.305, which are effective as if fully set forth in this subsection (n);

o) *a sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the*

manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in a ~~the~~ service occupation and ~~of--producing--machines,--tools,--dies,--jigs, patterns,--gauges--or--similar-items-of-no-commercial-value-on-special order-for-a-particular-purchaser,-when-the-machinery-or--equipment--is produced---by---the---seller--thereof--for--the--manufacturer--or--the manufacturer's-lessor-on-special-order-in-such-a-way-as-to--have--made~~ the applicable tax is a service occupation tax or service use tax, rather than retailers' occupation tax or use tax. (Section 2 of the Act) (Amended by Public Act 87-876, effective January 1, 1993.) The transfer of standard or stock parts in the repair of qualifying exempt manufacturing machinery and equipment is ~~not~~ exempt;

p) through August 12, 1999, a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing or other processes or *defined in Major Group 27 of the U.S. Standard Industrial Classification Manual.* ~~(Section--2--of--the-Act);~~ However, effective August 13, 1999, this exemption applies to a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing, *including ink jet printing, by one or more of the processes as described in Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511 and Group 512230 of Subsector 512 of the North American Industry Classification System published by the United States Office of Management and Budget, 1997 edition,* in accordance with the provisions of 86 Ill. Adm. Code 130.325, which are effective as if fully set forth in this subsection (p). (Section 3-30 of the Act);

q) sales of oil field exploration, drilling and production equipment and individual replacement parts, in accordance with the provisions of 86 Ill. Adm. Code 130.345, which are effective as if fully set forth in this subsection (q) ~~costing-the-purchaser-$250-or-more~~;

r) sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment and repair parts, in accordance with the provisions of 86 Ill. Adm. Code 130.350, which are effective as if fully set forth in this subsection (r) ~~costing-the-purchaser $250-or-more~~;

s) *a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce,* in accordance with the provisions of 86 Ill. Adm. Code 130.340, which are effective as if fully set forth in this subsection (s). *Effective August 14, 1999, motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, trailers, as defined in Section 1-209 of the Illinois Vehicle Code, and all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof, will qualify as rolling stock under this Section if they carry persons or property for hire in interstate commerce on 15 or more occasions in a 12-month period,* in accordance with the provisions of 86 Ill. Adm. Code 130.340. (Section 2(d) ~~2d~~ of the Act);

t) *a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce,* in accordance with the provisions of 86 Ill. Adm. Code 130.340, which are effective as if fully set forth in this subsection (t). *Effective August 14, 1999, motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, trailers, as defined in Section 1-209 of the Illinois Vehicle Code, and all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof, will qualify as rolling stock under this Section if they carry persons or property for hire in interstate commerce on 15 or more occasions in a 12-month period, in accordance with the provisions* of 86 Ill. Adm. Code 130.340. (Section 2(d) ~~2d~~ of the Act);

u) *the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale* (Section 2(f) of the Act);

v) sales by teacher-sponsored student organizations affiliated with Illinois elementary and secondary schools, in accordance with the provisions of 86 Ill. Adm. Code 130.2006, which are effective as if fully set forth in this subsection (v);

w) sales of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States or any foreign country and bullion, which shall mean gold, silver or platinum in a bulk state with a purity of not less than 980 parts per 1,000. In no circumstance shall items sold as jewelry or mounted for wear as jewelry qualify for this exemption.

x) sales of modified or custom software are exempt. Sales of canned software in a service transaction are ~~would--be~~ subject to tax. ~~;~~ Computer software means all types of software including operational, applicational, utilities, compilers, templates, shells and all other forms. Software is considered to be tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. The sale

at retail or transfer of canned software intended for general or repeated use is taxable, including the sale of software which is subject to manufacturer licenses restricting the use or reproduction of the software. Tax applies to the entire charge made to the customer, including charges for all associated documentation and materials. Charges for updates and maintenance of software are considered to be sales of software. Charges for training, telephone assistance, installation and consultation are exempt if they are separately stated from the selling price of software. For purposes of this subsection, the provisions of 86 Ill. Adm. Code 130.1935 are effective as if fully set forth in this subsection (x);

y) sales of semen used for artificial insemination of livestock for direct agricultural production. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing, and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

z) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, sales of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased for donation, and a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

aa) beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, sales of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems,

water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within six months after the disaster. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit;

bb) beginning July 20, 1999, game or game birds purchased incident to a sale of service at:

1) a game breeding and hunting preserve area licensed by the Department of Natural Resources (see Section 3.27 of the Wildlife Code [520 ILCS 5/3.27]),

2) an exotic game hunting area licensed by the Department of Natural Resources (see Section 3.34 of the Wildlife Code [520 ILCS 5/3.34]), or

3) a hunting enclosure approved through rules adopted by the Department of Natural Resources;

cc) fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers;

dd) proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed;

ee) photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, as photoprocessing is defined in Section 3-15 of the Service Occupation Tax Act, and including photoprocessing machinery and equipment purchased for lease;

ff) until May 31, 2000, horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association,

United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes;

gg) computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act;

hh) personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act;

ii) aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code, in accordance with the provisions of 86 Ill. Adm. Code 130.351, which are effective as fully as if set forth in this subsection (ii);

jj) beginning July 20, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting are" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources;

kk) effective August 20, 1999, *sales of a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, a "corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.* (Section 3-5 of the Act) Exemption certificates must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the motor vehicle that is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes (see 86 Ill. Adm. Code 130.2005), such entity's tax exemption identification number, and a statement that the motor vehicle is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. The certificates shall be retained by the retailer and made available to the Department for inspection or audit;

ll) food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicine, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code [305 ILCS 5/Art.V] who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act [210 ILCS 45];

mm) *beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This subsection (mm) does not apply to fundraising events:*

1) *for the benefit of private home instruction; or*

2) *for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity* [35 ILCS 115/3-5(22)]. For purposes of this subsection, the provisions of 86 Ill. Adm. Code 130.2009 are effective as if fully set forth in this subsection (mm);

nn) *of jet fuel and petroleum products sold to and used in the conduct of the business of sorting, handling and redistribution of mail, freight, cargo or other parcels in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act* [20 ILCS 655], *provided that the business enterprise has waived its right to a tax exemption of the charges imposed under Section 9-222.1 of the Public Utilities Act* [220 ILCS 5/9-222.1] (Section 1j.1 of the Act). *High impact service facilities qualifying under the Act and seeking the exemption under Section 1j.1 shall be ineligible for the exemptions of taxes imposed under Section 9-222.1 of the Public Utilities Act. High impact service facilities qualifying under the Act and seeking the exemption under Section 9-222.1 of the Public Utilities Act shall be ineligible for the exemptions of taxes as described in Section 1j.1 of the Act* (Section 1j.2 of the Act). *The certification of eligibility for exemption*

shall be presented by the business enterprise to its supplier when making the purchase of jet fuel and petroleum products for which an exemption is granted by Section 1j.1 of the Act, together with a certification by the business enterprise that such jet fuel and petroleum product is exempt from taxation under Section 1j.1 of the Act, and by indicating the exempt status of each subsequent purchase on the fact of the purchase order (Section 1i of the Act).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.126 Taxation ~~Exemption~~ of Food, Drugs and Medical Appliances

a) Food for human consumption which is sold or transferred by a serviceman as an incident to a sale of service is generally subject to the high rate of tax (6.25%) if it is prepared for immediate consumption or is sold for consumption on the premises of the sale. However, effective January 1, 1993, food prepared for immediate consumption and transferred incident to a sale of service by an entity licensed under the Hospital Licensing Act or the Nursing Home Care Act shall be subject to tax at the rate of 1%. In addition, effective August 13, 1999, the 1% rate applies to food prepared for immediate consumption and transferred incident to a sale of service by an entity licensed under the Child Care Act of 1969. Food which is not prepared by the serviceman for immediate consumption or not sold for consumption on the premises of the sale and which is transferred as an incident to a sale of service is subject to the lower rate of 1% ~~low rate (1%) of tax.~~ (see 86 Ill. Adm. Code 130.310(b)(6)).

b) As provided at 86 Ill. Adm. Code 130.310, which is effective as if fully set forth in this subsection (b), prescription ~~Prescription~~ and non-prescription medicines, drugs, ~~and~~ medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, are subject to the ~~low~~ 1% rate ~~(1%)~~ of tax.

c) If a serviceman purchases tangible personal property at retail from an unregistered out-of-State supplier that he does not transfer to service customers, but that he instead uses or consumes, he must self-assess Use Tax on that tangible personal property and remit Use Tax to the Department ~~is--purchased-at-retail-from-an-unregistered out-of-State-retailer,-Use-Tax-must-be-self-assessed-and-paid-directly to-the-Department~~. The rate is 6.25% for general merchandise and 1% for food, drugs and medical appliances. (See Part 150, Use Tax.) Similarly, if a de minimis serviceman paying Use Tax (see Section 140.108) ~~is--below--the-35%-threshold-and,-therefore,-pays-tax-to-his supplier-(see-140.010,-Service-Occupation-Tax),--he--must--nevertheless self-assess--and--remit--tax--directly--to--the--Department-when~~ makes purchases ~~purchasing~~ of tangible personal property that he will

transfer to service customers from suppliers who do not charge Illinois tax, the de minimis serviceman must register to self-assess and remit Use Tax directly to the Department. This would be the case, for example, when purchases were made from out-of-State suppliers not registered to collect Illinois tax.

1) Example: A doctor purchases tongue depressors from an out-of-State supplier who does not collect Illinois tax. Since tongue depressors ~~these~~ are not medical appliances ~~transferred-to the-patients~~, but rather are supplies used by the doctor, they are subject to Use Tax (~~the~~ 6.25% rate), which must be self-assessed and remitted to the Department. The same would be true if the items were purchased from an Illinois retailer who did not charge tax for some reason.

2) Example: A dentist purchases gold for dental fillings. If he is at or above the 35% threshold, he should purchase the gold with a resale certificate and pay Service Occupation Tax ~~tax~~ on his selling price at a 1% rate (Section 140.106 ~~see-140.101,-Service Occupation-Tax~~). If he is below the 35% threshold, he may, as appropriate, ~~should~~ pay either Use Tax or Service Occupation Tax ~~tax~~ at the 1% rate on his cost price as described in Section 140.108 or 140.109 ~~to-his-supplier-or-self-assess-and-pay-tax-to the-Department-at-the-1%-rate-based-upon-his-purchase-price~~. If he is a de minimis serviceman incurring a Use Tax liability on his cost price and purchases gold from out-of-State suppliers, he must self-assess and remit the Use Tax to the Department. If he is a de minimis serviceman incurring Service Occupation Tax liability on his cost price, he should provide his suppliers with Certificates of Resale.

3) Example: An optometrist makes sales of prescription glasses and non-prescription sunglasses. The sales of the non-prescription sunglasses are retail sales of general merchandise subject to Retailers' Occupation Tax at ~~to~~ the 6.25% rate on the selling price. The prescription eyeglasses, however, are medical appliances subject to the 1% rate. If the optometrist is at or above the 35% threshold, he should purchase the eyeglass components with a resale certificate and pay Service Occupation Tax on his selling price at a 1% rate (see Section 140.106). If he is below the 35% threshold, he may pay Service Occupation Tax at the 1% rate on either his cost price as described in Section 140.109, or on his selling price as described in Section 140.106. If he is a de minimis serviceman incurring Service Occupation Tax liability on his cost price, he should provide his suppliers with Certificates of Resale. If the optometrist purchased the lenses from an optical lab which ground the lenses to his special order prescription, a multi-service situation would exist~~,~~. See ~~see~~ Section 140.145~~,-Service-Occupation-Tax~~ for further information. ~~The--proper--tax--base--would--either-be-the-optometrist's-stated selling-price-of-the-completed--set--of--eyeglasses--or,--if--the~~

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~~optometrist--is--below--the--35%-threshold,-the-cost-price-to-the optometrist-of-the-lenses-and-frames.~~

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.135 Sales of Drugs and Related Items, to or by Pharmacists (Repealed)

~~Pharmacists-incur-Service-Occupation-Tax-liability-on-the-selling--price----of the--pharmaceutical--products,--containers-and-other-tangible-personal-property which--they--transfer--as--an--incident--to--rendering---service---in---filling prescriptions.--The-rate-of-tax-is-1%.~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 140.145 Multi-Service Situations

a) Transactions between de minimis servicemen each paying Use Tax. Effective for sales made on and after August 14, 1996, if a primary de minimis serviceman who incurs a Use Tax liability on his cost price (described in Section 140.108 of this Part) subcontracts service work to a secondary de minimis serviceman who also incurs a Use Tax liability on his cost price, the primary de minimis serviceman does not incur a Use Tax liability if the secondary de minimis serviceman has paid, or will remit, Illinois Use Tax on his cost price of any tangible personal property transferred to the primary serviceman and certifies that fact in writing to the primary de minimis serviceman. For example, a de minimis dentist paying Use Tax on his cost price who purchases dentures from a de minimis dental laboratory also paying Use Tax on its cost price will not incur Use Tax liability if the de minimis dental laboratory pays, or agrees to remit, Illinois Use Tax on its cost price of the items used to fabricate the dentures, and certifies this fact in writing to the de minimis dentist.

b) The certification provided by the secondary de minimis serviceman described in subsection (a) shall contain the address of, and be signed and dated by, the secondary de minimis serviceman. It shall certify that the secondary de minimis serviceman has paid, or will remit, Illinois Use Tax on the cost price of the tangible personal property transferred to the primary de minimis serviceman. This certification may appear on the invoice to the primary de minimis serviceman. The primary de minimis serviceman shall retain this certification in his books and records as provided in Section 140.701 of this Part.

c) Multi-service transactions between registered servicemen. Primary servicemen who are registered with the Department, regardless of whether they are de minimis servicemen paying Service Occupation Tax

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on their cost price or servicemen paying tax on their selling price, should provide Certificates of Resale to secondary servicemen who are also registered.

d) Multi-service transactions between registered and unregistered servicemen each located in Illinois. If a registered primary serviceman located in Illinois farms out service work to a secondary serviceman located in Illinois who is not registered and has opted to incur Use Tax as described in Section 140.108 of this Part, tax will be incurred and remitted to the Department at two levels. The secondary de minimis serviceman will pay Use Tax to his supplier on the tangible personal property transferred to the primary serviceman. Normally, the primary serviceman would provide a Certificate of Resale to the secondary serviceman to whom he farms out work, for the tangible personal property he transfers to his service customers. However, in this instance, the unregistered secondary serviceman is not authorized to accept Certificates of Resale from his customers (see Section 140.108(a) of this Part). As a result, the registered primary serviceman cannot provide a Certificate of Resale to the unregistered secondary serviceman. When the registered primary serviceman makes a sale of service to his service customer, he will incur Service Occupation Tax on either his selling price or his cost price. Because, in these instances, the two servicemen are either not both registered or unregistered, tax will be paid twice to the Department.

e) Servicemen engaging in multi-service transactions are urged to utilize one of the methods described in subsection (a) or (c) of this Section. Use of either of these methods prevents the likelihood of tax being incurred by both servicemen, as described in subsection (d) of this Section.

f) Except as provided in subsection (a) of this Section, when ~~If~~ a primary serviceman purchases tangible personal property from a secondary serviceman, the primary serviceman shall determine his cost price either by using the separately stated selling price of tangible personal property set forth on the invoice from the secondary serviceman or, if no selling price is separately stated, 50% of the total invoice including labor and service charges, in the absence of proof (e.g., the secondary serviceman's purchase invoices showing his cost price) of the consideration paid by the secondary serviceman for the purchase of such property.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS

Section 140.201 General Definitions

a) *"Cost price" means the consideration paid by the serviceman for a*

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purchase valued in money, whether paid in money or otherwise, including cash, credits and services and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier; but does not include charges which are added to prices by suppliers on account of the purchaser's tax liability under the Act or the Service Use Tax Act [35 ILCS 110]. Except as provided in Section 140.145(a), *when a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property* ~~"Cost--"Cost--Price"--means all the consideration actually received--by--the--supplier--and--paid--by--the serviceman,--whether such consideration be paid in money or otherwise, including cash, credits or services.~~ (Section 2 of the Act)

b) "De minimis serviceman" means a serviceman whose annual aggregate cost price of tangible personal property transferred incident to sales of service is less than 35% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) of the aggregate annual total gross receipts from all sales of service. See Section 140.105 for the method used to determine de minimis status. ~~Department" means the Department of Revenue.~~

c) "Department" means the Illinois Department of Revenue.

de) "Person" means any natural individual, firm, partnership, association, joint stock company, limited liability company, joint venture, public or private corporation, and any receiver, executor, trustee, conservator or other representative appointed by order of any court.

ed) "Sale at Retail" means "sale at retail" as defined in Section 1 of the Retailers' Occupation Tax Act [35 ILCS 120] ~~(Ill. Rev. Stat. 1987, ch. 120, par. 440)~~.

fe) "Sale of Service" means any transaction except:

1) *a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act* (Section 2(a) of the Act);

2) *a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act* (Section 2(b) of the Act);

3) *a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or for or by any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers and employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under the Act only if the limited liability company is organized and operated exclusively for educational purposes.* ~~However, effective~~ Effective July 1, 1987, *this exception will not apply unless the entities noted above have an active exemption identification number issued by the Department* (Section 2(c) of the Act);

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4) *effective September 1, 1968, a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce. Effective August 14, 1999, motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, trailers, as defined in Section 1-209 of the Illinois Vehicle Code, and all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof, will qualify as rolling stock under this Section if they carry persons or property for hire in interstate commerce on 15 or more occasions in a 12-month period,* in accordance with the provisions of 86 Ill. Adm. Code 130.340 (Section 2(d) of the Act);

5) *a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce. Effective August 14, 1999, motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, trailers, as defined in Section 1-209 of the Illinois Vehicle Code, and all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof, will qualify as rolling stock under this Section if they carry persons or property for hire in interstate commerce on 15 or more occasions in a 12-month period,* in accordance with the provisions of 86 Ill. Adm. Code 130.340 (Section 2(d-1) of the Act);

6) *the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale or* (Section 2(f) of the Act);

7) *a sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in* a ~~the~~ service occupation and ~~of producing--machines,-tools,-dies,-jigs,-patterns,-gauges-or-other similar-items-of-no-commercial--value--on--special--order--for--a particular-purchaser,-when-the-machinery-or-equipment-is-produced by--the-seller-thereof-for-the-manufacturer-or-the-manufacturer's lessor-on-special-order-in--such--a--way--as--to--have--made~~ the applicable tax is a Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax (Section 2(e) of the Act)~~;-~~

8) *at the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act* (Section 2(q) of the Act);

9) *the repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois* (Section 2(d-2) of the Act);

10) *a sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a*

standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois (Section 2(d-3) of the Act).

g) "Selling price" means the consideration for a sale valued in money, whether received in money, or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges that appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by the Act. For purposes of calculating the serviceman's tax base, the selling price shall not be less than the cost price to the serviceman of the tangible personal property transferred to the service customer.

h~~f~~) "Serviceman" means any person who is engaged in the occupation of making sales of service.

i~~g~~) "Supplier" means any person who makes sales of tangible personal property to servicemen for transfer ~~the--purpose--of--resale--as--an~~ incident to sales ~~a-sale~~ of service.

h~~)~~ ~~"Selling-price"-means-the-price-set-by-the-serviceman-for-the-tangible personal--property--transferred-in-a-service-transaction.--It-includes all-the-consideration-actually-received-by--the--serviceman--for--such property-including-cash,-credits-or-services,-whether-paid-in-money-or otherwise.---In-no-event-shall-the-selling-price-be-less-than-the-cost price.~~

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART C: BASE OF THE TAX

Section 140.301 Cost Price

a) "Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier; but does not include charges which are added to prices by suppliers on account of the purchaser's tax liability under this Act or the Service Use Tax Act [35 ILCS 110] ~~(Ill.--Rev.-Stat.-1979,-ch.-120,-pars.-439.31-et seq.)~~. Except as provided in Section 140.145(a), when ~~When~~ a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the

absence of proof of the consideration paid by the subcontractor for the purchase of such property.

b) The following listing describes ~~indicates~~ the taxation of various charges that may be made by servicemen ~~Department's interpretation as to whether certain items may or may not be deducted in the computation of the cost price paid by a serviceman to his supplier~~.

1) Transportation and Delivery Charges

A) Transportation and delivery charges are considered to be freight, express, mail, truck or other carrier, conveyance or delivery expenses. Many times these charges are designated as shipping and handling charges.

B) Whether amounts charged by a serviceman to his customers in order to secure delivery of the property to his customers are taxable depends upon the method used by the serviceman to calculate his tax liability. Delivery charges made by a de minimis serviceman paying either Use Tax (see Section 140.108) or Service Occupation Tax (see Section 140.109) on his cost price are not taxable, since tax in these instances is incurred only on the cost price of the tangible personal property transferred to the service customer incident to a sale of service. If, however, the serviceman remits Service Occupation Tax on his selling price, as provided in Section 140.106, delivery charges made to his customer may be taxable. If the serviceman calculates his tax liability on the basis of the separately stated selling price of tangible personal property transferred to service customers, such delivery charges are not taxable. However, if the serviceman does not separately state the selling price of the tangible personal property transferred to the customer and, rather, calculates his liability on 50% of the entire service bill, delivery charges will become part of the tax base. ~~Where the supplier and the serviceman contract for the delivery of the tangible personal property to the serviceman for a lump sum charge, including transportation or delivery charges and a charge for the property itself, the entire amount constitutes the cost price.~~

C) Incoming Transportation Costs - Servicemen Who Incur Service Occupation Tax on Their Selling Price. ~~If the supplier and the serviceman contract separately for such transportation or delivery charges, by not including them in a lump sum with the amount for the property itself, such transportation or delivery charges are not a part of the cost price.~~ Incoming freight or other delivery expense incurred by a serviceman remitting Service Occupation Tax on his selling price ~~the supplier~~ in acquiring ~~the~~ property for sale may not be deducted from the selling ~~cost~~ price charged by the serviceman ~~supplier~~ for the tangible personal property transferred to the customer ~~to the serviceman~~ even if this type of delivery expense is priced and billed separately on the bill to the customer. ~~by the supplier to the serviceman.~~ It represents a serviceman's cost of doing business, which is never deductible from gross receipts subject to tax.

D) Incoming Transportation Costs - De Minimis Servicemen Who Incur Either Use Tax or Service Occupation Tax on Their Cost Price. In contrast to servicemen paying tax on their selling price, de minimis servicemen generally pay Use Tax on the cost price of the tangible personal property they acquire for transfer to service customers. Whether de minimis servicemen paying Use Tax to their suppliers are subject to tax on shipping charges made by their suppliers depends upon whether the supplier and the de minimis serviceman have a separate contract for delivery charges and whether the delivery charges are actually reflective of the costs of shipping, transportation and delivery. If such chagres are shown to be separately contracted for and reflective of actual shipping costs, they are not considered part of the cost price of the tangible personal property purchased by the serviceman. The same rule applies to de minimis servicemen paying Service Occupation Tax on their cost price. (See 86 Ill. Adm. Code 130.415.)

2) Finance or Interest Charges -- Penalties -- Discounts

A) Where any tangible personal property is sold by a supplier to a serviceman under an installment contract, the interest or finance charges on account of credit so extended are not considered to be a part of the cost price. The books and records of suppliers must clearly reflect such finance or interest charges. In the absence of an adequate showing of what such charges actually are, the Department will presume that such charges are not in excess of like charges which are customarily made in connection with similar installment sales.

B) If a "penalty" is added to the base cost price in the event that the serviceman does not pay such price within a specified time and if such penalty is paid to the supplier, such "penalty" is considered to be a part of the cost price.

C) If a discount is allowed for a payment in cash within a stated period of time, any amounts realized by suppliers through failure of a serviceman to take advantage of such a discount will be considered to be a part of the cost price. Conversely, if the supplier allows the serviceman a discount from the base cost price (such as a discount for prompt payment) and the serviceman avails himself of the discount so that the supplier does not receive any receipts from that source, the amount of such discount is not a part of the cost price.

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3) Maintenance Agreements. If a serviceman enters into an agreement to provide repair service for a particular piece of equipment ~~machine~~ for a stated period for a predetermined fee, the serviceman shall pay Use Tax ~~tax~~ to his supplier (or to the Department if the supplier is not registered to collect tax) on the cost price of tangible personal property purchased for transfer by the serviceman ~~transferred~~ incident to ~~the~~ completion of the maintenance agreement (see Section 2 of the Service Occupation Tax Act and Section 3-75 of the Use Tax Act). However, a serviceman will incur no tax liability on repairs made under a maintenance agreement for a person that is able to claim an exemption, either because of that person's exempt status (e.g., the person possesses an exemption identification number issued by the Department, such as the Federal or State government) or because the tangible personal property being repaired is exempt from tax (e.g., due to the manufacturing machinery, graphic arts or pollution control equipment exemptions).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section 140.901 Written Opinions

a) Taxpayers must not rely on verbal opinions from Department employees, but will be protected only if the opinion from the Department is in writing. For Department rules concerning the binding effect of Private Letter Rulings and General Information Letters, see 2 Ill. Adm. Code 1200. ~~Even-then,-the-opinion-ceases-to-have--any--effect--if the--law--is-changed-in-any-pertinent-respect-by-the-General-Assembly, or-if-a-pertinent-change-in-the-interpretation-of-the-law-is-made-by-a Court-decision-or-by-some--change--in--the--Department's--Regulations, whether-such-change-is-accomplished-by-means-of-a-new-Regulation-or-by means-of-a-revision-of-an-existing-Regulation.~~

b) For Department rules concerning the rescission of Private Letter Rulings, see 2 Ill. Adm. Code 1200. ~~The-Department--may--also--rescind outstanding--written--opinions--or--rulings--issued-prior-to-any-given specified-date-by-issuing-a-bulletin-or-some--other--form--of--general public-notice-to-that-effect.~~

c) As used in this Part ~~herein~~, "Regulation" means any Department rule or regulation of general application, whether called a "Rule", a "Regulation", an "Article", a "Section", a "Part" or something else.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART J: COLLECTION OF THE TAX

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Section 140.1001 Payment of Tax ~~to-the-Supplier~~

a) A de minimis serviceman who incurs Use Tax as described in Section 140.108 of this Part, should pay the tax to his Illinois-registered suppliers on the cost price of the tangible personal property transferred to his service customers. However, if for any reason the serviceman does not pay tax to his supplier (for example, his supplier is an out-of-State supplier not registered to collect the tax), the serviceman is required to register to remit Use Tax to the Department. ~~A--serviceman--who--purchases--tangible--personal--property--from--his supplier--for--resale-as-an-incident-to-a-sale-of-service-must-pay-the amount-of-the-Service-Occupation-Tax-to-his-supplier-unless--he--gives his-supplier-a-valid-certificate-of-exemption.--(See-Subpart-M-of-this Part.)~~

b) In contrast, however, all servicemen paying Service Occupation Tax to the Department, as provided in Sections 140.106 and 140.109 of this Part, should provide suppliers with Certificates of Resale (see Subpart M of this Part) for the tangible personal property transferred to service customers incident to sales of service. Failure of servicemen remitting Service Occupation Tax to provide a properly executed Certificate of Resale creates a presumption that the sale is not for resale, and is therefore taxable.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.1005 Receipt to be Obtained for Tax Payments

A serviceman who pays tax ~~the--Service--Occupation--Tax~~ to his supplier may request and obtain from the supplier a receipt for the amount of tax ~~Service Occupation Tax~~ paid. The receipt may be in the form of a separate itemization of the tax on the supplier's sales invoice or other document covering the sale. The receipt should always indicate the amount, description and selling price of the tangible personal property to which the tax applies. Suppliers must furnish such receipts on request.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.1010 Payment of Tax Directly to the Department (Repealed)

~~If--the--serviceman--does--not--pay--the--applicable-tax-to-his-supplier, he-is required-to-pay-the-tax-directly-to-the-Department.~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 140.1015 Itemization of the Tax by Suppliers (Repealed)

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~~When--suppliers--collect--the-tax-from-servicemen-under-the-requirements-of-the Act,-they-must-do-so-by-adding-the-amount-of-the-tax-to-the-cost-price--of--the tangible--personal--property--as--a-separate-item-wherever-possible.--The-sales invoice-or-other-document-used-by-the-supplier-must--indicate--the--nature--and quantity-of-tangible-personal-property-to-which-the-tax-applies.~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 140.1025 Advertising in Regard to the Tax

A serviceman incurring Service Occupation Tax as described in Section 140.106 or 140.109 of this Part ~~supplier~~, when required to collect the Service Use ~~Occupation~~ Tax from his service customer, may not advertise or state ~~to--the public--or--to-any-serviceman~~, in any manner, that he (the serviceman) ~~this-tax~~ will assume ~~be-assumed~~ or absorb ~~absorbed-by-the-supplier,~~ the tax ~~or--that--it will--not-be-added-to-the-cost-price-of-the-property~~. Likewise, the serviceman ~~supplier~~ may not state in any manner that the Service Use Tax ~~tax~~ will be refunded (except when a bona fide refund is made when goods are returned ~~to-the supplier~~, or when a claim for credit is made under the provisions of the Act).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section 140.1305 When Purpose of Serviceman's Purchase is Unknown

a) If a ~~the~~ serviceman registered to remit Service Occupation Tax is unable to determine, at the time ~~when~~ he purchases tangible personal property, how he will ultimately dispose of such property, he may certify to ~~give~~ his supplier that he is buying all of such tangible personal property for resale and will thereafter account to the Deparmtent for the tax on disposing of such property ~~an-exemption certificate--which--shall--relieve--his--supplier--of--liability---for collecting--the--tax~~. However, no such certificate shall be valid unless the serviceman who signs it has an active registration or resale number from the Department and includes such number in such certificate.

b) Upon the ultimate disposition of such tangible personal property by the serviceman, described in subsection (a) of this Section, he shall remit to the Department either Service Occupation Tax, including any applicable local taxes, on the selling or cost price of the tangible personal property transferred to service customers, or Use Tax for items consumed by him in conducting his business ~~directly-to-the Department-any-tax-due-as-a-result-of-the-actual--disposition--of--the tangible--personal--property~~. Any tangible personal property that the serviceman sells "over-the-counter" is subject to Retailers' Occupation Tax.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 140.1401 Claims for Credit -- Limitations -- Procedures

a) Limitations Upon Claims
 1) Where a taxpayer under the Service Occupation Tax Act pays to the Department an amount of tax or penalty or interest not due under the provisions of the Act, either as the result of a mistake of fact or an error of law, such taxpayer may file a claim for credit with the Department. The Department cannot approve any claim for credit unless the proof submitted in support thereof clearly establishes that the claimant has borne the burden of the tax erroneously paid or that he has unconditionally repaid the amount of the tax to his vendee from whom he has collected such amount. In the latter event, the claimant must also prove that his vendee has borne the burden of such amount or has unconditionally repaid persons to whom such vendee has shifted the burden of such amount (see Service Occupation Tax Act, Section 17). In addition, no credit shall be allowed for any such amount paid by or collected from any claimant unless it shall appear that the claimant has unconditionally repaid, to the purchaser, any amount collected from the purchaser and retained by the claimant with respect to the same transaction under the Service Use Tax Act. The Department cannot approve any claim for credit to the extent that the amount claimed is an amount which has been paid (voluntarily or involuntarily) in total or partial liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court. Also, all claims for credit are subject to the following statute of limitations;
 2) As to any claim for credit filed with the Department on and after January 1, but on or before June 30 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Act) more than 3 years prior to such January 1 shall be credited, and as to any such claim filed on and after July 1 but on or before December 31 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Act) more than 3 years prior to such July 1 shall be credited.

b) Filing of Claims
 1) Claims for credit shall be prepared and filed upon forms provided

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Occupation Tax.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 140.1401 Claims for Credit -- Limitations -- Procedures

a) Limitations Upon Claims
 1) Where a taxpayer under the Service Occupation Tax Act pays to the Department an amount of tax or penalty or interest not due under the provisions of the Act, either as the result of a mistake of fact or an error of law, such taxpayer may file a claim for credit with the Department. The Department cannot approve any claim for credit unless the proof submitted in support thereof clearly establishes that the claimant has borne the burden of the tax erroneously paid or that he has unconditionally repaid the amount of the tax to his vendee from whom he has collected such amount. In the latter event, the claimant must also prove that his vendee has borne the burden of such amount or has unconditionally repaid persons to whom such vendee has shifted the burden of such amount (see Service Occupation Tax Act, Section 17). In addition, no credit shall be allowed for any such amount paid by or collected from any claimant unless it shall appear that the claimant has unconditionally repaid, to the purchaser, any amount collected from the purchaser and retained by the claimant with respect to the same transaction under the Service Use Tax Act. The Department cannot approve any claim for credit to the extent that the amount claimed is an amount which has been paid (voluntarily or involuntarily) in total or partial liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court. Also, all claims for credit are subject to the following statute of limitations;
 2) As to any claim for credit filed with the Department on and after January 1, but on or before June 30 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Act) more than 3 years prior to such January 1 shall be credited, and as to any such claim filed on and after July 1 but on or before December 31 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Act) more than 3 years prior to such July 1 shall be credited.

b) Filing of Claims
 1) Claims for credit shall be prepared and filed upon forms provided

by the Department. Where the claimant is a corporation, the claim filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

2) A claim for credit shall be considered to have been filed with the Department on the date upon which it is received by the Department. Upon receipt of any claim for credit filed under the Act, any officer or employee of the Department, authorized in writing by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department shall execute on behalf of the Department, and shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it and stating the date upon which the claim was received by the Department. Such written receipt shall be prima facie evidence that the Department received the claim described and shall be prima facie evidence of the date when such claim was received by the Department. In the absence of such a written receipt, the records of the Department as to when the claim was received by the Department, or as to whether or not the claim was received at all by the Department, shall be deemed to be prima facie correct upon these questions in the event of any dispute between the claimant (or his legal representative) and the Department concerning these questions. (See Section 17 of the Service Occupation Tax Act.)

c) Procedure After Filing of Claims

The Department will examine each claim for credit as soon as practicable after such claim is filed and will notify the claimant (or his legal representative, if the claim is filed by such legal representative, or if the claimant has died or become incompetent and such legal representative has notified the Department of his appointment and qualification as such legal representative, or if the Department, on its own motion, has substituted such legal representative in the proceeding for the deceased or incompetent claimant) of its Tentative Determination of the amount of credit, if any, to which the claimant or his legal representative is entitled. If such claimant, or the legal representative of a deceased or incompetent taxpayer, shall, within 60 20 days after the Department's Notice of Tentative Determination of Claim, file a protest thereto and request a hearing thereon, the Department shall give notice to such claimant, or to the legal representative of a deceased or incompetent taxpayer, of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of the Act, and pursuant thereto shall issue its Final Determination of the amount of credit, if any, found to be due as a result of such hearing, to such claimant, or to the legal representative of a deceased or incompetent taxpayer. If a protest to the Department's Notice of Tentative Determination of Claim is not filed within 20 days and a request for a

hearing thereon is not made as hereinabove provided, the said Notice shall thereupon become and operate as a "Final Determination". (See Section 18 of the Service Occupation Tax Act.)

d) Use of Credit Memoranda to Satisfy Prior Rights of Department

If, following the above procedure, a credit is found to be due, as evidence thereof a credit memorandum for such amount shall be issued in the name of the claimant. If there is an established unpaid assessment or an admitted unpaid liability, or unpaid penalty or unpaid amount of interest, against the claimant either under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, any local occupation or use tax administered by the Department, ~~the Municipal Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-1 et seq.), The Municipal Use Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-6 et seq.), the Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-5 et seq.), the County Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.1 et seq.), the County Supplementary Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.1 et seq.) the County Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2 et seq.), the County Supplementary Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2a et seq.), the County Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10 et seq.), the County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10a et seq.),~~ Section 4 of the Water Commission Act of 1985 [70 ILCS 3720/4] ~~(Ill. Rev. Stat. 1987, ch. 111 2/3, par. 251 et seq.)~~, subsections (b), (c), and (d) of Section 5.01 of the Local Mass Transit District Act [70 ILCS 3610/5.01] ~~(Ill. Rev. Stat. 1987, ch. 111 2/3, par. 351 et seq.)~~, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act [70 ILCS 3615/4.03] ~~(Ill. Rev. Stat. 1987, ch. 111 2/3, par. 701.01 et seq.)~~, the amount of the credit shall be credited against the tax or penalty or interest due or to become due under these Acts from the person who made the erroneous payment. If the credit is in an amount less than that of the unpaid liability, it shall be applied toward satisfaction of the unpaid liability. If the amount of the credit exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, a new credit memorandum shall be issued for an amount representing the difference between that of the original credit found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum shall be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, any local occupation or use tax administered by the Department, ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax~~

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~~*Act,--the--County-Service-Occupation-Tax-Act,-the-County-Supplementary Service-Occupation-Tax--Act,--the--County--Use--Tax--Act,--the--County Supplementary--Use--Tax--Act,*~~ *Section 4 of the Water Commission Act of 1985, subsections (b), (c), and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.* If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, or any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Service Use Tax

2) Code Citation: 86 Ill. Adm. Code 160

3)

Section Numbers:	Proposed Action:
160.101	Amendment
160.105	Amendment
160.110	Amendment
160.115	Amendment
160.120	Repeal
160.125	Amendment
160.130	Amendment
160.135	Amendment
160.150	Amendment
160.155	Amendment

4) Statutory Authority: Implementing the Service Use Tax [35 ILCS 110] and authorized by Sections 2505-795 and 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-795 and 2505-100].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes changes which correspond to changes currently proposed to the Service Occupation Tax regulations. However, these amendments explain the manner in which the various methods used by servicemen to handle their tax liability (e.g., the de minimis methods) affect the liability, if any, of Illinois service customers. The changes proposed in these regulations stem from the same Public Acts that provide authority for the changes in the Service Occupation Tax regulations (e.g., P.A. 86-905; 87-876; and 89-675).

6) Will this proposed rulemaking replace an emergency ruleamking currently in effect? No

7) oes this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not impose a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Jerilynn T. Gorden

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Senior Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These regulations affect the tax liabilities of persons making purchases from servicemen.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Bookkeeping

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 160
SERVICE USE TAX

Section
160.101 Nature of the Tax
160.105 Definitions
160.110 Kinds of Uses And Users Not Taxed
160.115 Collection Of The Service Use Tax By Servicemen
160.116 Persons Who Lease Tangible Personal Property to Exempt Hospitals
160.117 Persons Who Lease Tangible Personal Property to Governmental Bodies
160.120 Receipt For The Tax (Repealed)
160.125 Special Information For ~~Taxable~~ Users
160.130 Registration Of Servicemen
160.135 Serviceman's Return
160.140 Penalties, Interest And Procedures
160.145 Incorporation Of Illinois Service Occupation Tax Regulations By Reference
160.150 Claims To Recover Erroneously Paid Tax--Limitations--Procedures
160.155 Disposition Of Credit Memoranda By Holders Thereof
160.160 Refunds
160.165 Interest

AUTHORITY: Implementing the Service Use Tax Act [35 ILCS 110] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989; amended at 15 Ill. Reg. 5845, effective April 5, 1991; amended at 18 Ill. Reg. 1557, effective January 13, 1994; amended at 20 Ill. Reg. 7015, effective May 7, 1996; amended at 20 Ill. Reg. 16219, effective December 16, 1996; amended at 24 Ill. Reg. 8135, effective May 26, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 160.101 Nature of the Tax

a) The Service Use Tax is a privilege tax imposed on the privilege of using, in this State, tangible personal property that is received anywhere as an incident to a purchase of service from a serviceman, as "serviceman" is defined in the Act. However, if the serviceman would not be taxable under the Service Occupation Tax Act [35 ILCS 115] ~~(Ill. Rev. Stat. 1989, ch. 120, pars. 439.101 et seq.)~~ despite all elements of the sale of service occurring in Illinois, then the

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tax imposed by the Service Use Tax Act does not apply to the use of such property in this State. Transfers of tangible personal property by de minimis servicemen who incur Use Tax as described in 86 Ill. Adm. Code 140.108 do not constitute sales of service under Section 2(q) of the Service Occupation Tax Act. As a result, customers of such de minimis servicemen do not incur Service Use Tax liability on such transfers.

b) Any evidence that property was sold by any person for delivery to a person residing in or engaged in business in this State shall be prima facie evidence that such property was sold for use in this State.

c) The rate of the Service Use Tax after December 31, 1989, is 6.25% of the serviceman's selling price of the tangible personal property transferred by the serviceman as an incident to a sale of service.

d) If the property that is purchased from a serviceman as an incident to a sale of service is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is nevertheless taxable under the Service Use Tax Act, the cost price on which the tax is computed shall be reduced by an amount which represents a reasonable allowance for depreciation for the period of such prior out-of-State use. A "reasonable allowance for depreciation" is deemed by the Department to be the amount of depreciation determined by use of the straight line method of depreciation.

e) The date of the purchase of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman transfers as an incident to a sale of service.

f) The Service Use Tax Act complements the Service Occupation Tax Act. That is why the Service Use Tax is restricted to cases in which the property is purchased from a serviceman as an incident to a sale of service.

g) If a ~~the~~ serviceman incurring Service Occupation Tax liability is required or authorized to collect the Service Use Tax (see Section 160.115 for further information), the purchaser must pay the tax to the serviceman. The Department will presume that a serviceman is required or authorized to collect the Service Use Tax if he bills tax to the service customer. Stated conversely, if an invoice from a serviceman does not show the tax, the Department will presume that the serviceman is either registered and has included the Service Use Tax in the selling price of the tangible personal property transferred or is a de minimis serviceman incurring a Use Tax liability, in which case there is no collection obligation on the part of the serviceman and no Service Use obligation on the part of the purchaser. This presumption will be overcome only where the Department has evidence that the serviceman and/or the service customer were both aware that the proper tax due was the Service Use Tax and that no action was taken to remit the Service Use Tax by either party to the Transaction. A ~~The~~ serviceman need not remit that part of any Service Use Tax collected by him to the extent that he is required to pay and does pay Service Occupation Tax to the Department on his sales of service involving the transfer by him of the same property, provided, however, that the amount paid to the Department is equal to or exceeds the amount collected from the service customer ~~must then remit the Service Use Tax to the Department after reducing the amount of that tax by the amount of Service Occupation Tax which he is required to pay and does pay, with respect to that property, either to a supplier or to the Department. If the purchaser receives the property as an incident to a purchase of service from a serviceman but does not pay the Service Use Tax to such serviceman, the purchaser must pay the Service Use Tax directly to the Department~~.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 160.105 Definitions

a) For definitions of terms other than "Use", "Purchased from a Serviceman", "Purchaser", "Selling Price", and "Serviceman maintaining a place of business in this State", see Section 140.201 of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140.201 ~~140~~).

b) "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property,
 1) which is sold in the regular course of business or
 2) which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois.

c) "Purchased from a serviceman" means the acquisition of the ownership of, or title to, tangible personal property through a sale of service.

d) "Purchaser" means any person who, through a sale of service, acquires the ownership of, or title to, any tangible personal property.

e) "Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act. For purposes of

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calculating the serviceman's tax base, the selling price shall not be less than the cost price to the serviceman of the tangible personal property transferred to the service customer.

f) *"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State; soliciting orders for tangible personal property by means of a telecommuniction or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State; pursuant to a contract with a broadcaster or publisher located in this state, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions; soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt ~~bebt~~ collection, telecommunication, or marketing activities occurring in this state or benefits from the location in this State of authorized installation, servicing, or repair facilities; being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State; having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section; pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State,* or engaging in activities in Illinois which would, in the state in which the service business engaging in such activities is located, constitute maintaining a place of business in that state [35 ILCS 110] ~~(Ill. Rev. Stat. 1989, ch. 120, par. 439.32)~~. For the purpose of determining such state of location, the Department will look to the place at which the selling activity takes place. The seller's acceptance of the purchase order or other contracting action in making the sale is the single most important factor in determining selling location.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 160.110 Kinds of Uses And Users Not Taxed

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a) *To prevent actual or likely multistate taxation, the tax shall not apply to the use of tangible personal property in this State under the following circumstances:*
 1) *The use, in this State, of property acquired outside this State by a nonresident individual and brought into this State by such individual for his or her own use while temporarily within this State or while passing through this State;*
 2) *the use, in this State, of property which is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase or use of such property, to the extent of the amount of such tax properly due and paid in such other state;*
 3) *the temporary storage, in this State, of property which is acquired outside this State and which, subsequent to being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing or shaping, and, as altered, is used solely outside this State.*

b) Since the exemptions in subsections (a)(1), (2) and (3), immediately above, do not exist as far as the Service Occupation Tax is concerned, and since it would therefore serve no purpose to say that the exemptions exist for Service Use Tax purposes insofar as the serviceman is merely collecting Service Use Tax to reimburse himself for Service Occupation Tax on the same property, the Department believes that the legislative intention in these references to the acquisition of tangible personal property outside this State was to make the references apply to cases in which the only tax liability that could be involved is Service Use Tax liability. Therefore, the exemptions in subsections (a)(1), (2) and (3) above would not apply except when the tangible personal property is acquired outside Illinois by the purchaser in such a way that there is no Service Occupation Tax liability on the part of the serviceman in the same transaction.

c) The Service Use Tax *does not apply to the use, in this State, of property which is acquired outside this State by a nonresident individual who then brings the property to this State for use here, and who shall have used the property outside this State for at least 3 months before bringing the property to this State.*

d) Where a business that is not operated in Illinois, but which does operate in another state, is moved to Illinois or opens up an office, plant or other business facility in Illinois, such business shall not be taxed on its use, in Illinois, of used property which such business bought outside Illinois and used outside Illinois in the operation of such business for at least 3 months before moving such used property to Illinois for use here.

e) The Service Use Tax does not apply to the use of tangible personal

property by any corporation, society, association, foundation or institution, organized and operated exclusively for charitable, religious or educational purposes, *or by any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers and employees and which is organized and operated primarily for the recreation of persons 55 years of age or older*, when purchased from a serviceman as an incident to a sale of service. However, effective July 1, 1987, the Service Use Tax will apply to the entities noted above unless such entities have an active exemption identification number issued by the Department. Effective March 17, 1965, purchases by State chartered banks and by Federal and State savings and loan associations for use, when the purchase is made from a serviceman as an incident to his sale of service, are subject to the Service Use Tax. Effective February 1, 1970, purchases by national banks for use, when the purchase is made from a serviceman as an incident to his sale of service, are also subject to the Service Use Tax, provided that such tax does not apply to property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969.

f) Beginning July 1, 1999, the Service Use Tax does not apply to the use, in this State, of game or game birds purchased incident to a sale of service at:
 1) a game breeding and hunting preserve area licensed by the Department of Natural Resources (see Section 3.27 of the Wildlife Code [520 ILCS 5/3.27]),
 2) an exotic game hunting area licensed by the Department of Natural Resources (see Section 3.34 of the Wildlife Code [520 ILCS 5/3.34]), or
 3) a hunting enclosure approved through rules adopted by the Department of Natural Resources.

g) Beginning July 1, 1999, the Service Use Tax does not apply to the use, in this State, of fuel acquired outside of this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce.

h) Since transfers of tangible personal property by de minimis servicemen who incur Use Tax as described in 86 Ill. Adm. Code 140.108 do not constitute sales of service under Section 2(g) of the Service Occupation Tax Act, customers of such de minimis servicemen do not incur Service Use Tax liability on such transfers.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 160.115 Collection Of The Service Use Tax By Servicemen

a) Servicemen who incur and remit Service Occupation Tax to the Department; or servicemen who come within the definition of a "Serviceman maintaining a place of business in this State" (as set

out in Section 160.105(f) of this Part and in Section 2 of the Service Use Tax Act) and who have a Service Use Tax collection obligation; ~~and~~ or other servicemen who are authorized to voluntarily collect the Service Use Tax, shall collect the tax from users. The Service Use Tax shall be based on the selling price of the tangible personal property transferred incident to the sale of service if stated separately on the invoice from the serviceman. If not stated separately, then the tax will be imposed on 50% of the entire billing from the serviceman. However, the Service Use Tax which is collected by a de minimis serviceman who incurs Service Occupation Tax on his cost price of tangible personal property transferred incident to service, as provided at 86 Ill. Adm. Code 140.109, shall be based upon his cost price of tangible personal property transferred incident to his sales of service. For purposes of this Part, "cost price" is defined as provided in 86 Ill. Adm. Code 140.201.

b) Although not required unless requested by the service customer, the Service Use Tax may be separately stated as a distinct item on the service bill (Section 3a of the Act).

cb) If the serviceman collects ~~does--collect~~ the Service Use Tax as a separate item, he shall use the tax collection brackets prescribed in Section 150.Table A of the Use Tax with respect to the 6.25% rate when it is impracticable to collect exactly 6.25% of the selling or cost price.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 160.120 Receipt For The Tax (Repealed)

~~When-a-serviceman--collects--the--Service--Use--Tax--from--the--purchaser,--the serviceman--should-give-the-purchaser-a-receipt-for-the-tax-so-collected-if-the purchaser-demands-such-a-receipt.--The-receipt-should-show-the-name-and-address of-the-serviceman-and-the-purchaser,-the-place-and--date--of--the--purchase,--a brief--description--of-the-property-involved,-the-amount-of-cost-price-on-which the-tax-is-based,-the-amount-of-the-tax-and-the-date-when-the-tax-was-paid.~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 160.125 Special Information For ~~Taxable~~ Users

a) Purchasers incurring Service Use Tax liability that is not paid to a serviceman authorized or required to collect the tax (see Section 160.101(g) of this Part) ~~If-the-user-purchases-the-tangible-personal property-from-a-serviceman--as-an-incident-to-the-sale-of-service,-but does-not-pay-the-Service-Use-Tax-to-such-serviceman-(as-will-happen-if the-property-is-bought-outside-Illinois--as--an--incident--to--service performed--outside-Illinois-by-a-serviceman-who-is-not-registered-with~~

~~the Department),~~ ~~the purchaser~~ shall pay the Service Use Tax directly to the Department. Such remittance to the Department shall be made by the last day of the month following the month in which the user makes any payment to the serviceman and shall be accompanied by a return which shall be made on a return form that the Department will provide on request. On receipt of the tax, the Department will provide the user with a receipt if demanded by the user, but not otherwise.

b) In general, the provisions of Subpart D of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140)~~,~~ (including the authorization, under some circumstances, for quarterly tax returns and annual tax returns, but not the requirement of an annual information return) shall apply to returns of registered users under the Service Use Tax Act.

c) Also, registered users under the Service Use Tax Act are subject to the provisions of Subpart F of the Service Occupation Tax Regulations.

d) If the user who must remit the Service Use Tax ~~directly~~ to the Department is registered either under the Retailers' Occupation Tax Act [35 ILCS 120] ~~(Ill. Rev. Stat. 1979, ch. 120, pars. 440 et seq.)~~, the Use Tax Act [35 ILCS 105] ~~(Ill. Rev. Stat. 1979, ch. 120, pars. 439.1 et seq.)~~, the Service Occupation Tax Act [35 ILCS 115], and the Service Use Tax Act [35 ILCS 110], he shall report the Service Use Tax information in the space provided for that purpose on the return which he files under any such registration.

e) Since transfers of tangible personal property by de minimis servicemen who incur Use Tax as described in 86 Ill. Adm. Code 140.108 do not constitute sale of service under Section 2(q) of the Service Occupation Tax Act, customers of such de minimis servicemen do not incur Service Use Tax liability on such transfers.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 160.130 Registration Of Servicemen

a) A serviceman who is registered under the Retailers' Occupation Tax Act, Use Tax Act or Service Occupation Tax Act need not obtain a separate Certificate of Registration under the Service Use Tax Act. However, any out-of-State serviceman maintaining a place of business in this State, if not registered under the Retailers' Occupation Tax Act, the Use Tax Act or the Service Occupation Tax Act, must apply to the Department for a Certificate of Registration on an application form furnished by the Department. Each such serviceman shall list with the Department the names and addresses of all his agents operating in this State and the location of any and all of his distribution or sales houses, offices or other places of business in this State. In general, the provisions of Subpart F of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140) shall apply to

such registration under the Service Use Tax Act.

b) For a definition of "Serviceman maintaining a place of business in this State", see Section 160.105 of this Part.

c) Every out-of-State serviceman maintaining a place of business in this State must register and collect Service Use Tax from service customers, unless such serviceman is authorized to pay Use Tax as provided in 86 Ill. Adm. Code 140.108 ~~act as a Service Use Tax collector for this State. An example of a case in which a serviceman will be required to collect and remit the Service Use Tax, though not incurring any Service Occupation Tax liability with respect to the transaction, would be the case of an out-of-State serviceman, who has no place of business of any kind in Illinois and no representation except solicitors who procure orders and forward them to the serviceman at his out-of-State location for processing, acceptance and filing, but who, through this procedure, makes taxable kinds of sales of service to purchasers for use in Illinois.~~

d) The Department may, in its discretion, upon application, authorize the collection of the Service Use Tax by any serviceman not maintaining a place of business within this State within the meaning of the Service Use Tax Act and Section 160.105 of this Part. Such serviceman shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such serviceman to collect the tax upon all tangible personal property sold, to his knowledge, as an incident to a sale of service for use within this State, in the same manner and subject to the same requirements, as a serviceman maintaining a place of business within this State.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 160.135 Serviceman's Return

a) Every serviceman required or authorized to collect the Service Use Tax must file a return each month by the twentieth day of the month covering the preceding calendar month except when the serviceman is authorized to file tax returns on a quarterly or annual basis as hereinafter provided. The Department has combined the Service Use Tax return form, the Service Occupation Tax return form and the Use Tax return with the Retailers' Occupation Tax return form.

b) Where the sale of service is made under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the return period for which the return is filed, the serviceman, in collecting the tax, may collect, for each return period, only the tax applicable to that part of the selling price actually received during such return period.

c) In his regular return, each serviceman shall also include the total amount of Service Use Tax due upon the selling price or cost price of

tangible personal property transferred by him as an incident to a sale of service ~~by a serviceman~~. Such serviceman shall remit the amount of such tax to the Department when filing such return.

d) In general, the provisions of Subpart D of the Service Occupation Tax (86 Ill. Adm. Code 140) (including the provisions pertaining to quarterly and annual tax returns, but not the provisions pertaining to annual information returns) shall apply to returns of servicemen under the Service Use Tax Act.

e) The serviceman who collects the Service Use Tax from his purchaser and who remits, as Service Use Tax, the amount so collected is allowed to deduct the 1.75% collection allowance or $5 ~~$5.00~~ per calendar year, whichever is greater, in the same manner as the serviceman is allowed to do under Subpart D of the Service Occupation Tax. (86 Ill. Adm. Code 150, Subpart D) Where a purchaser from a serviceman, however, does not pay the Service Use Tax to the serviceman, but pays it ~~directly~~ to the Department, that purchaser is not allowed to deduct any amount as a collection allowance.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 160.150 Claims To Recover Erroneously Paid Tax--Limitations--Procedures

a) Limitations Upon Claims

1) If it shall appear that an amount of tax or penalty or interest has been paid in error under the Service Use Tax Act to the Department by a purchaser, as distinguished from the serviceman, whether such amount be paid through a mistake of fact or an error of law, such purchaser may file a claim for credit with the Department.

2) If it shall appear that an amount of tax or penalty or interest has been paid in error to the Department under the Service Use Tax Act by a serviceman who is required or authorized to collect and remit the Service Use Tax, whether such amount be paid through a mistake of fact or an error of law, such serviceman may file a claim for credit with the Department, provided that no credit shall be allowed for any amount paid by any such serviceman unless it shall appear that he bore the burden of such amount and did not shift the burden thereof to anyone else (as in the case of a duplicated tax payment which the serviceman made to the Department and did not collect from anyone else), or unless it shall appear that he or his legal representative has unconditionally repaid such amount to his vendee:

A) Who bore the burden thereof and has not shifted such burden directly or indirectly in any manner whatsoever;

B) who, if he has shifted such burden, has repaid unconditionally such amount to his own vendee, and

C) who is not entitled to receive any reimbursement therefor from any other source than from his vendor, nor to be relieved of such burden in any other manner whatsoever.

3) If it shall appear that an amount of tax has been paid in error under the Service Use Tax Act by the purchaser to a serviceman, who retained such tax as reimbursement for his tax liability on the same sale under the Service Occupation Tax Act, and who remitted the amount involved to the Department under the Service Occupation Tax Act, whether such amount be paid through a mistake of fact or an error of law, the procedure for recovering such tax shall be that prescribed in Sections 17, 18, 19 and 20 of the Service Occupation Tax Act.

4) As to any claim for credit filed with the Department on and after January 1 but on or before June 30 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Service Use Tax Act) more than 3 years prior to such January 1 shall be credited, and as to any such claim filed on and after July 1 but on or before December 31 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Service Use Tax Act) more than 3 years prior to such July 1 shall be credited.

5) No claim shall be allowed for any amount paid to the Department, whether paid voluntarily or involuntarily, if paid in total or partial liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court.

b) Filing Of Claims

1) Claims for credit shall be prepared and filed upon forms provided by the Department. Where the claimant is a corporation, the claim filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

2) A claim for credit shall be considered to have been filed with the Department on the date upon which it is received by the Department. Upon receipt of any claim for credit filed under the Act, any officer or employee of the Department, authorized in writing by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department, shall execute on behalf of the Department, and shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it and stating the date upon which the claim was received by the Department. Such written receipt shall be prima facie evidence that the Department received the claim described in such receipt and shall be prima facie evidence

of the date when such claim was received by the Department.

3) In the absence of such a written receipt, the records of the Department as to when the claim was received by the Department, or as to whether or not the claim was received at all by the Department, shall be deemed to be prima facie correct upon these questions in the event of any dispute between the claimant (or his legal representative) and the Department concerning these questions. (See Section 17 of the Service Use Tax Act.)

c) Procedure After Filing Of Claims

1) The Department will examine each claim for credit as soon as practicable after such claim is filed and will notify the claimant (or his legal representative, if the claim is filed by such legal representative, or if the claimant has died or become incompetent and such legal representative has notified the Department of his appointment and qualification as such legal representative, or if the Department, on its own motion, has substituted such legal representative in the proceeding for the deceased or incompetent claimant) of its Tentative Determination of the amount of credit, if any, to which the claimant or his legal representative is entitled.

2) If such claimant, or the legal representative of a deceased or incompetent taxpayer, shall, within 60 ~~20~~ days after the Department's Notice of Tentative Determination of Claim, file a protest thereto and request a hearing thereon, the Department shall give notice to such claimant, or to the legal representative of a deceased or incompetent taxpayer, of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of the Act, and pursuant thereto shall issue its Final Determination of the amount of credit, if any, found to be due as a result of such hearing, to such claimant, or to the legal representative of a deceased or incompetent taxpayer.

3) If a protest to the Department's Notice of Tentative Determination of Claim is not filed within 60 ~~20~~ days and a request for a hearing thereon is not made as hereinabove provided, the said Notice shall thereupon become and operate as a Final Determination. (See Section 18 of the Act.)

d) Use Of Credit Memoranda To Satisfy Prior Rights of Department

1) If, following the above procedure, a credit is found to be due, as evidence thereof a credit memorandum for such amount shall be issued in the name of the claimant. If there is an established unpaid assessment or an admitted unpaid liability under the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department, ~~the Home Rule Municipal Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 24, par. 8-11-1), the Non-Home Rule Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 8-11-1.3), the Home Rule Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 24, par. 8-11-5), the Non-Home Rule Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 8-11-1.4), the Home Rule County Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 34, par. 5-1006), the Home Rule County Service Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 34, par. 5-1007),~~ Section 4 of the Water Commission Act of 1985 [70 ILCS 3720/4] ~~(Ill. Rev. Stat. 1989, ch. 111 2/3, par. 251)~~, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act [70 ILCS 3610/5.01] ~~(Ill. Rev. Stat. 1989, ch. 111 2/3, par. 351)~~, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act [70 ILCS 3615/4.03] ~~(Ill. Rev. Stat. 1989, ch. 111 2/3, par. 701.01)~~, or unpaid penalty, or interest, against the claimant, the amount of the credit shall be credited against the tax or penalty or interest due. If the credit is in an amount less than that of the unpaid liability, it shall be applied pro tanto.

2) If the amount of the credit exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, a new credit memorandum shall be issued for an amount representing the difference between that of the original credit found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum shall be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Service Use Tax Act, the Service Occupation Tax Act, the Use Tax Act, the Retailers' Occupation Tax Act, any local occupation or use tax administered by the Department, ~~the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.

3) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded. If such proceeding results in the issuance of an assessment which becomes final under any of these Acts, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, and any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person

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entitled to receive delivery thereof.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 160.155 Disposition Of Credit Memoranda By Holders Thereof

a) Assignment Of Credit Memoranda

1) Credit memoranda issued hereunder may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:

A) That the assignment is made to a person who is subject to the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department, ~~the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act;

B) that there is no proceeding pending to establish an unpaid liability against the assignor pursuant to notice given of the Department's proposal to assess an amount against him either under the Service Occupation Tax Act, or under the Service Use Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department, ~~the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act and

C) that there is no established assessment or admitted liability or interest or penalty unpaid by the assignor, either under the Retailers' Occupation Tax Act, or under the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, any local occupation or use tax administered by the Department, ~~the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act: Provided, that if the amount of the credit memorandum must first be applied, in whole or in part, against an established unpaid assessment which has been issued to the claimant-assignor, or in total or partial liquidation of an unpaid admitted tax liability, or unpaid penalty, or unpaid amount of interest, due from the claimant-assignor, notice to this effect shall be given the claimant-assignor by the Department.

2) If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect. If there are no unpaid established assessments or unpaid admitted tax liabilities, or unpaid penalties, or unpaid amounts of interest, due from the claimant-assignor, and if there are no pending proceedings as herein outlined, pending against the claimant-assignor, and if the contemplated assignee is a person who is subject to the Service Occupation Tax Act, the Service Use Tax Act, Retailers' Occupation Tax Act, Use Tax Act, any local occupation or use tax administered by the Department, ~~the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, the request for leave to assign shall be approved. The original credit memorandum shall be cancelled, and a new credit memorandum shall be issued to the assignee in the amount shown on the cancelled memorandum.

3) However, before a credit is issued to the assignee, the amount of such credit shall be applied, to the extent that may be necessary, in liquidation of any established unpaid assessment which has been issued to such assignee, or in liquidation of any unpaid penalty, or amount of interest due from such assignee, or in liquidation of any unpaid admitted liability due from the assignee under the Service Occupation Tax Act, the Service Use

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Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department, ~~the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Non-Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, and a credit memorandum for the balance of the credit, if any, shall then be issued to the assignee: Provided, that there is no proceeding pending against the assignee to establish an unpaid liability against him.

4) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded. If such proceeding results in the issuance of an assessment which becomes final under any of the said Acts, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, and any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

b) Submission of Credit Memoranda With Tax Returns

1) Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with Service Occupation Tax returns, Service Use Tax returns, Retailers' Occupation Tax returns or Use Tax returns, in payment of any tax liability or penalty or interest under the Service Occupation Tax Act, the Service Use Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department, ~~the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act, the Home Rule County Supplementary Service Occupation Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, incurred by the holder of such credit memoranda.

2) If, after applying any such credit memorandum against the amount of tax shown to be due by the tax return with which the credit

memorandum is submitted, there is a balance of the credit memorandum in favor of the taxpayer, the Department will cancel the credit memorandum which the taxpayer submits with his return and will issue and deliver to the taxpayer a new credit memorandum for such balance. This process will be followed until the credit, to which such taxpayer is entitled, is exhausted.

3) However, any new credit memorandum, which is issued for a balance of credit due the taxpayer after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see Section 160.150(d) of this Part) or when leave to assign a credit memorandum is requested (see Subsection (a) of this Section).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3)

Section Numbers	Proposed Action
1040.60	Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)], and Article I and Section 6-521(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I and 6-521(a)].

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-717 was approved June 2, 2000 with an effective date of October 1, 2000. The Office of the Secretary of State had to complete programming changes prior to drafting the rules by which this Act would be administered.

6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
1040.105	New Section	24 Ill. Reg. 8223, 6/16/00

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a state mandate.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller
Assistant General Counsel
Department of Driver Services
2701 South Dirksen Parkway
Springfield IL 62723
217-782-5356

12) Initial Regulatory Flexibility Analysis:

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A) Types of small business, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping, other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda in which this rulemaking was summarized: July 2000

The full text of the proposed amendment is identical to the text of the Emergency Rule appearing on page 16096 in this issue of the *Illinois Register*.

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1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds

2) Code Citation: 20 Ill. Adm. Code 1286

3)

Section Numbers:	Proposed Action:
1286.10	New Section
1286.20	New Section
1286.30	New Section
1286.40	New Section
1286.50	New Section
1286.100	New Section
1286.110	New Section
1286.120	New Section
1286.130	New Section
1286.140	New Section
1286.150	New Section
1286.160	New Section
1286.170	New Section
1286.180	New Section
1286.200	New Section
1286.210	New Section
1286.220	New Section
1286.230	New Section
1286.300	New Section
1286.310	New Section
1286.320	New Section
1286.330	New Section
1286.340	New Section
1286.350	New Section
1286.360	New Section
1286.370	New Section

4) Statutory Authority: Authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a(A)(26)]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/5-16b].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will replace and supercede the administrative rules previously under the authority of the Department of Public Health. This rulemaking is required by Public Act 91-0828.

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6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the date of publication of this Notice, any interested person may submit comments, data, views, or arguments regarding the proposed rules. The submissions must be in writing and directed to:

Lieutenant Michael D. McIntosh
Deputy Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

OR

Ms. Nancy G. Easum
Special Counsel to the Director
Illinois State Police
210 East Adams, Suite 100
Springfield, Illinois 62701-1122
217/557-9922

12) Initial Regulatory Flexibility Analysis:

A) Types of small business, small municipalities and not for profit corporations affected: Municipal police agencies will be affected.

B) Reporting, bookkeeping or other procedures required for compliance: Police departments are required to maintain records of breath alcohol tests performed. However, these rules require few additional mandates from those currently required by the Department of Public Health rules. Police departments will be required to periodically check the accuracy of their PBTs.

C) Types of professional skills necessary for compliance: Police officers must obtain a license to operate the breath test instruments. However, these rules require no additional mandates from those currently required by the Department of Public Health rules.

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13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: At the time the agenda was submitted, the legislation had not been enacted which transferred the rulemaking authority from the Department of Public Health to the Illinois State Police.

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section
1286.10 Definitions
1286.20 Grievances
1286.30 Additional Testing
1286.40 Conversion of a Blood Serum or Blood Plasma Alcohol Level to a Whole Blood Equivalent
1286.50 Passive Sensors

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section
1286.100 Licensing BAOs
1286.110 Requirements for Re-license
1286.120 Revocation and Denial of BAO License
1286.130 Authorization of BATs
1286.140 Revocation and Denial of BAT Authorization
1286.150 Accrediting BAIs
1286.160 Revocation and Denial of BAI Accredition
1286.170 Certification of Laboratories and Laboratory Technicians
1286.180 Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT APPROVAL

Section
1286.200 Approved Instruments
1286.210 Verifying Instruments
1286.220 Checking Instruments for Accuracy
1286.230 Preliminary Breath Test Devices (PBTs)

SUBPART D: OPERATIONAL PROCEDURES

Section
1286.300 General Testing Protocol
1286.310 Instrument Operation
1286.320 Maintenance of Instrument Records
1286.330 Withdrawal of Blood for Chemical Analysis of Alcohol, Drugs or Intoxicating Compounds

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1286.340 Urine Collection for Determining the Presence of Drugs or Intoxicating Compounds Other than Alcohol
1286.350 Urine Collection for Determining the Concentration of Urine Alcohol
1286.360 Reporting Laboratory Results
1286.370 Operation of PBTs

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/5-16b].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1286.10 Definitions

"Agency" means a County, Municipal, State or Federal law enforcement agency, involved in the use of a breath analysis instrument.

"Alcohol" means ethanol, commonly referred to as grain alcohol, ethyl alcohol, alcoholic beverage, or alcoholic liquor.

"Alcohol Concentration" means either *grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath* (Section 11-501.2(a)5 of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)5]).

"Breakdown" means a malfunction that affects the analytical performance of the instrument or its ability to quantitate a breath alcohol concentration.

"Breath Analysis Instructor" or "BAI" means an individual who is certified by the Department to instruct breath analysis instrument operations and to train and administer licensing examinations to BAOs.

"Breath Analysis Operator" or "BAO" means an individual licensed by the Department to operate approved breath analysis instrumentation.

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"Breath Analysis Reading" means the numeric value of the first two digits to the right of the decimal point of a breath alcohol concentration analysis as displayed or printed by an instrument or device.

"Breath Analysis Technician" or "BAT" means an individual who is certified by the Department to install, examine, certify, repair, maintain and check the accuracy of instruments.

"Central Repository" means the business records maintained by the Department in the normal course of business of tests performed by BAOs, accuracy checks, and service records in accordance with this Part for each instrument listed with the Department.

"Certified Reference" means a reference of known concentration approved for use by the Department and used for the purpose of instrument verification, accuracy checks, and/or calibration.

"Certified Paramedic" means an individual licensed by the Illinois Department of Public Health as an Emergency Medical Technician (Intermediate) or Emergency Medical Technician (Paramedic) acting under the direction of a licensed physician as a phlebotomist.

"Department" means the Illinois Department of State Police.

"Director" means the Director of the Illinois Department of State Police.

"Foreign Substance" means any substance not in the subject's body, excluding those due to normal breathing.

"Ingested" means eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed, or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

"Instrument" means any item or combination of items of equipment approved by the Department and used to quantitate a breath analysis reading for any purpose.

"Internal Memory" means the records digitally stored in the instrument of tests performed by BAOs, accuracy checks, and service records in accordance with this Part.

"License" means a permit issued as evidence by the Department to an individual as proof of his or her authority and competence as a BAO, BAT, or BAI.

"Logbook" means a business record maintained by the agency in the normal course of business of tests performed by BAOs and accuracy checks in accordance with this Part for an instrument.

"Malfunction" means failure of an instrument to function properly.

"Other Qualified Person" means a person trained and employed by a licensed medical facility or affiliate under the direction of a licensed physician, as a phlebotomist, regardless of job title.

"Passive Sensor" means a unit that monitors ambient air for the presence of alcohol for an investigative purpose.

"Phlebotomist" means a person who uses venipuncture to collect blood from another individual.

"Preliminary Breath Test Device" or "PBT" means a portable device used to quantitate a breath analysis reading.

"Urine Alcohol Concentration" or "UAC" means *the number of grams of alcohol per 67 milliliters of urine* (Section 6-500(c) of the Illinois Vehicle Code [625 ILCS 5/6-500(c)]).

"W/V" means weight of alcohol in the volume of blood, breath, urine, or certified reference.

"Whole Blood Equivalent" means the conversion of a blood serum or blood plasma alcohol concentration to an approximate whole blood alcohol concentration.

Section 1286.20 Grievances

Aggrieved persons who wish to contest the Department's actions with respect to their BAO license, BAT authorization, BAI accredition, or laboratory certification shall follow general hearing procedures outlined in 20 Ill. Adm. Code 1200.

Section 1286.30 Additional Testing

Should a subject determine to undergo additional chemical analysis, *the person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer* (Section 11-501.2(a)3 of the Illinois Vehicle Code).

a) The additional tests must be conducted in a manner as close as practicable to the procedures in this Part.
b) Persons wishing to have additional tests administered shall make their own arrangements for such tests.

c) Any additional testing conducted pursuant to this Section shall be at the subject's expense and subsequent to the posting of bond.

Section 1286.40 Conversion of a Blood Serum or Blood Plasma Alcohol Level to a Whole Blood Equivalent

The blood serum or blood plasma alcohol level result will be divided by 1.18 to obtain a whole blood equivalent.

Section 1286.50 Passive Sensors

Passive sensors are not regulated by the Department.

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section 1286.100 Licensing BAOs

a) Licensure as a BAO is at the discretion of the Director or his/her designee.
b) To be eligible for license examination to qualify as a BAO of a breath analysis instrument, the individual shall be employed by an agency or the Department and shall have completed a training curriculum approved by the Department. This training curriculum shall include a minimum of 32 hours of instruction, which includes the following:
 1) Presentation and discussion of the psychological, physiological, and pharmacological effects of alcohol in the human body;
 2) Demonstration and discussion of approved instruments and the analytical processes used to measure breath alcohol concentration;
 3) Practical application and demonstration in the use of the instrument; and
 4) Discussion of current DUI issues, the administrative rules, and case law.
c) An individual to be licensed under this Part shall pass (minimum passing score, 70 percent) the standardized written examination for Breath Analysis Operator provided by the Department and satisfactorily complete the proficiency examination administered by an BAI accredited by the Department.
d) Termination of License
 1) A license shall be valid for a period of 36 months. If the license is not renewed, it terminates 36 months from the date of issuance.
 2) A BAO license automatically terminates when the licensee is no longer employed by any agency or the Department.
 3) If the BAO changes employment or changes last name, the BAO shall immediately notify the Department. If the BAO fails to meet the reissue requirements in Section 1286.110(c) within 90 days after

the employment or name change, the license terminates.

e) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions.

f) Persons licensed as BAOs on December 31, 2000 by the Department of Public Health will be deemed to be licensed under this Part until expiration of their Department of Public Health license.

Section 1286.110 Requirements for Re-license

a) Requirements for Renewal of BAO License.
Prior to expiration of a BAO license, each Breath Alcohol Operator must complete the following:
1) Review of theory and practice with the instrument;
2) Review of administrative rules as contained in this Part;
3) Review of current and related problems in the field; and
4) Successfully pass both the standardized written examination provided by the Department with a minimum score of 70 percent and the proficiency examination.

b) Requirements for Reinstatement of an Expired BAO License.
Within 36 months after expiration of his or her previous BAO license, the licensee shall complete all of the items contained in subsection (a) of this Section. An individual whose license has been expired for more than 36 months must complete the original licensure course.

c) Requirements for Reissue of a BAO License.
1) When a licensee changes his or her name or resigns from an agency and is employed by another agency prior to the date the BAO license terminates, the licensee may seek reissue of the BAO license.
2) Once the agency currently employing the BAO notifies the Department, the license will be reissued.
3) The reissued license will terminate on the expiration date of the previous BAO license.

d) This Section will not be construed to determine the validity of any test performed with an expired BAO license.

e) The Department will designate sites and dates for retraining classes.

f) Retraining classes will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions.

g) The renewal, reinstatement, and reissue of a BAO license issued by the Department of Public Health will be conducted as if the Department of Public Health license was a BAO license issued under this Part.

Section 1286.120 Revocation and Denial of BAO License

a) The Director or designee may revoke a BAO license or deny BAO licensing.

b) Grounds for BAO license revocation and denial can be, but are not

limited to:
1) Misuse of the instrument by the BAO in such a way that the operator is in violation of State statutes or this Part.
2) Unauthorized testing of the instruments analytical system.
3) Unauthorized attempts to access instrument memory.
4) Failure to comply with Section 1286.40.
5) Anything deemed by the Director or designee not in the best interest of the program.

Section 1286.130 Authorization of BATs

a) Authorizing a BAT is at the discretion of the Director or his/her designee.

b) The Department will maintain a list of authorized BATs. To be authorized as a BAT, an individual must be a BAO. The BAT applicant must pass the written examination for Breath Analysis Operator provided by the Department with a minimum score of 100 percent. The BAT applicant must satisfactorily complete the proficiency examination administered by the Director or his designee.

c) To be eligible for authorization as a BAT, the individual must display knowledge and understanding through specialized training in all of the following areas:
1) Psychological, physiological, and pharmacological effects of alcohol in the human body;
2) Proficiency on all approved instruments and the analytical processes used to measure breath alcohol concentration;
3) Maintenance, calibration, and repair procedures on all approved breath analysis instruments; and
4) Knowledge of current DUI issues, the administrative rules, and case law.

d) A person certified as a BAT or BAI by the Department of Public Health on December 31, 2000 is deemed authorized as a BAT under this Part until December 31, 2003.

Section 1286.140 Revocation and Denial of BAT Authorization

The Director may revoke or deny to authorize a BAT. Grounds for revocation or denial of BAT authorization can be, but are not limited to:

a) Any grounds for revocation set forth in Section 1286.120.

b) Failure to comply with Section 1286.130.

c) Anything deemed by the Director or designee not in the best interest of the program.

Section 1286.150 Accrediting BAIs

a) Accrediting a BAI is at the discretion of the Director or his/her designee.

b) The Department will maintain a list of accredited BAIs. To be

accredited as a BAI, an individual must be a BAO. The BAI applicant must pass the written examination for Breath Analysis Operator provided by the Department with a minimum score of 100 percent. The BAI applicant must satisfactorily complete the proficiency examination administered by the Director or his designee.

c) To be eligible for license examination to qualify as a BAI, the individual must display knowledge and understanding through specialized training in all of the following areas:
 1) Psychological, physiological, and pharmacological effects of alcohol in the human body;
 2) Proficiency on all approved instruments and the analytical processes used to measure breath alcohol concentration;
 3) Maintenance, calibration, and repair procedures on all approved breath analysis instruments; and
 4) Knowledge of current DUI issues, the administrative rules, and case law.

d) The BAI applicant must complete the breath analysis instructor's test with a minimum score of 90 percent.

e) A person certified as a BAT or BAI by the Department of Public Health on December 31, 2000 is deemed accredited as a BAI under this Part until December 31, 2003.

Section 1286.160 Revocation and Denial of BAI Accredition

The Director may revoke or deny to accredit a BAI. Grounds for revocation or denial of BAI accrediting can be, but are not limited to:

a) Any grounds for revocation set forth in Section 1286.130.

b) Failure to comply with Section 1286.150.

c) Anything deemed by the Director or designee not in the best interest of the program.

Section 1286.170 Certification of Laboratories and Laboratory Technicians

a) Certification of a laboratory is at the discretion of the Director or his/her designee.

b) Only laboratories certified by the Department and that employ technicians who work under the supervision of a pathologist, toxicologist, or other person who has at least five years experience in the specialty of analytical chemistry may be deemed qualified to detect and/or quantitate alcohol and/or other drugs in human biological fluids. The Laboratory Director shall be responsible for the accuracy of all laboratory testing performed in the laboratory. The following conditions must be met by laboratories:
 1) Prior to initial laboratory certification, and at least biannually thereafter, the Department shall request the demonstration of proficiency in the performance of the tests by the laboratory through the satisfactory examination of specimens by participation in a program of proficiency testing conducted by

an agency or agencies approved by the Department.
 A) The Laboratory Director will advise the Department of the proficiency testing program in which it is participating and the program's standards and testing protocols. The Department will review the information and determine acceptability.
 B) The laboratory will direct the proficiency testing agency to forward a copy of the laboratory's testing results and evaluations to the Department after each testing cycle.
 2) An applicant for certification under this Part shall furnish evidence of competent supervision by a person who meets the qualifications set forth in this Section.

c) Upon evidence that a laboratory has complied with this Section, a letter of certification listing those technicians certified to perform appropriate tests shall be issued, and such certification shall be valid for two calendar years. It may be renewed upon submission by the holder of the certification of evidence that the laboratory continues to perform analyses for alcohol concentration and/or other drug content on human biological fluids under the supervision of a person meeting the qualifications set forth in this Section and upon the Department's determination that the laboratory is complying with subsection (b)(1) of this Section.

d) Certified laboratories shall notify the Department of any change in accreditation status.

e) Laboratories and technicians certified by the Department of Public Health on December 31, 2000 shall be deemed certified under this Part until December 31, 2001.

Section 1286.180 Revocation and Denial of Laboratory Certification

The Director may revoke or deny to certify a laboratory. Grounds for revocation or denial of laboratory certification can be, but are not limited to:

a) Change in laboratory accredation status.

b) Failure to comply with Section 1286.170.

c) Anything deemed by the Director or designee not in the best interest of the program.

SUBPART C: EQUIPMENT APPROVAL

Section 1286.200 Approved Instruments

a) The Department shall only approve instruments listed in the Conforming Products List of Evidential Breath Measuring Devices prepared by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation. The following is the current state list of approved evidential breath instruments:
 1) Intoxilyzer 5000, Series 64 and 66 only, manufactured by CMI, Inc.

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2) Intox EC-IR, all models, manufactured by Intoximeters, Inc.
3) RBT IV, all models, manufactured by Intoximeters, Inc.

b) Should an instrument in subsection (a) be removed from NHTSA's Conforming Products List, the instrument will remain an approved instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.

c) The Department may approve additional evidential instrumentation after conducting an evaluation for precision, accuracy, and program suitability. The Department shall maintain a list of new instruments temporarily approved for evidential breath testing in addition to those provided in subsection (a). Instruments may be temporarily approved for a maximum period of 18 months.

d) Any manufacturer who sells approved evidential breath analysis instruments to an agency or the Department in Illinois shall report to the Department all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

e) Any agency receiving an approved evidential breath analysis instrument from an entity other than the manufacturer will report the receipt of the instrument to the Department.

Section 1286.210 Verifying Instruments

a) The accuracy of all instruments used shall be verified by a BAT:
1) Prior to being placed in operation; and/or
2) After a breakdown has been repaired.

b) An instrument must quantitate the reference sample within plus or minus 0.01 W/V to be certified accurate. Accuracy beyond the second digit to the right of the decimal point is not required.

c) The instrument will be tuned by a BAT when necessary to ensure the instrument will quantitate the reference sample within plus or minus 0.01 W/V.

Section 1286.220 Checking Instruments for Accuracy

a) To inspect the continued accuracy of instruments, a BAT shall perform a bimonthly accuracy check.

b) Two tests will be performed on an instrument by a BAT where the instrument quantitates a certified reference.

c) An instrument must quantitate the reference sample within plus or minus 0.01 W/V to be certified accurate. Accuracy beyond the second digit to the right of the decimal point is not required.

d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository.

e) Failure to perform the bimonthly accuracy check does not by itself invalidate an otherwise complete breath analysis reading.

Section 1286.230 Preliminary Breath Test Devices (PBTs)

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a) The Department shall only approve devices listed in the Conforming Products List of Evidential Breath Measurement Devices prepared by the National Highway Traffic Safety Administration, U.S. Department of Transportation. The following is the list of PBTs approved by the Department:
1) S-D2, manufactured by CMI, Inc.
2) Alcosensor III, manufactured by Intoximeters, Inc.
3) Alcosensor IV, manufactured by Intoximeters, Inc.

b) PBTs shall be checked for accuracy by a technician or an individual specially trained to perform PBT accuracy checks at least every three months.

c) The Department may approve additional screening instruments after conducting an evaluation for precision, accuracy, and program suitability. The Department shall maintain a list of new instruments temporarily approved for screening instrument testing in addition to those provided above. Instruments may be temporarily approved for a maximum period of 18 months.

d) Any manufacturer who sells approved screening instruments to an agency or the Department in Illinois shall report to the Department all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

e) Any agency that receives an approved screening instrument from any entity other than the manufacturer will report the receipt of the instrument to the Department.

SUBPART D: OPERATIONAL PROCEDURES

Section 1286.300 General Testing Protocol

a) The arresting officer has discretion to determine whether a subject will be required to undergo breath, blood, and/or urine testing. If the subject has been in a motor vehicle crash and must be treated or is currently being treated by a physician licensed to practice medicine for injuries sustained in the crash, the arresting officer will consult with the treating physician to determine how best to test the subject without jeopardizing the subject's possible recovery.

b) The arresting officer or BAO will determine a subject who fails to submit to a requested test or additional testing to have refused testing.

c) The arresting officer or BAO has discretion to determine whether a subject who submitted an insufficient sample or otherwise failed to adequately complete a requested test or tests:
1) has refused testing; or
2) will be required to undergo additional testing.

d) The procedures contained in this Subpart are the only procedures required to obtain a complete and valid test result. There are no additional procedures.

Section 1286.310 Instrument Operation

a) Prior to obtaining a breath analysis reading from a subject, the BAO or another agency employee shall continuously observe the subject for at least 20 minutes prior to collection of a breath sample.
 1) During the 20 minute observation period the subject shall be deprived of alcohol and foreign substances and shall not have regurgitated or vomited.
 2) If the subject regurgitates or vomits during the observation (deprivation) period, the process shall be started over by having the individual rinse the oral cavity with water.
 3) If the individual continues to regurgitate or vomit, alternate testing shall be considered.
b) Each test shall be performed according to an operational procedure programed into the instrument.
c) A breath test shall consist of only one breath analysis reading, based on the instrument's internal operational calculations.
 1) Complete and valid breath analysis reading is denoted by at least one air blank, one subject breath test reading, and no breakdown message.
 2) Messages such as refusal, insufficient sample, inadequate sample, etc., are not breakdowns or even malfunctions. These messages indicate the subject's failure to meet the minimum requirements of a complete and valid breath analysis.
 3) A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to additional test or tests.
d) All agencies shall have their breath analysis instrument available for examination by a BAT.
e) The Department shall be notified when an agency believes an instrument needs service.

Section 1286.320 Maintenance of Instrument Records

Records will be maintained of subject tests, accuracy tests, and service records for each instrument.

a) Subject test records will include at least the type of instrument, instrument serial number, name of individual tested, test date, test time, breath analysis result, and BAO.
b) Accuracy test records will include at least the type of instrument, instrument serial number, test date, test time, certified reference value, BAT, and the readings of the two accuracy check tests.
c) Service records will be prepared by a BAT when a breakdown is repaired. Service records will include at least the type of instrument, instrument serial number, date of service, time of service, service issue reported, service issue found, probable cause of service issue, corrective action taken, and BAT. Malfunctions that are not breakdowns will not be documented.

d) The Department in coordination with an agency shall determine to maintain records in a logbook, instrument memory, or the central repository.
 1) Logbook entries will be made in the logbook as proximately close as practicable to the time the test was performed. The logbook shall be available for examination by a BAT.
 2) Instruments equipped with internal memory shall have the capacity to store three months of test records. All records removed from the internal memory shall be downloaded to the central repository.
 3) The central repository will maintain instrument records for not less than five years from the date downloaded.

Section 1286.330 Withdrawal of Blood for Chemical Analysis of Alcohol, Drugs or Intoxicating Compounds

When a person is arrested for DUI or a related offense and a law enforcement officer requests a blood test to determine the alcohol concentration, or presence of other drugs or intoxicating compounds, the blood sample shall be collected according to the following procedures:

a) The blood sample shall be collected in the presence of the arresting officer or another law enforcement officer who can authenticate the sample.
b) *The blood sample shall be collected by a physician authorized to practice medicine, a registered nurse, a trained phlebotomist or certified paramedic, or other qualified person acting under the direction of a licensed physician* (Section 11-501.2(a) of the Illinois Vehicle Code).
c) A disinfectant shall be used to clean the skin where a sample is to be collected.
d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes (generally accepted industry standard for hospitals is the standard grey top vacuum tubes containing an anticoagulant and preservative).
e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.
f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).
g) The testing laboratory shall maintain any remaining sample for a period of six months after testing.

Section 1286.340 Urine Collection for Determining the Presence of Drugs or Intoxicating Compounds Other than Alcohol

a) A urine sample of approximately 60 ml should be collected.
b) The urine sample shall be collected from the subject's first emptying of the bladder in a clean, dry container.

c) No preservatives shall be used. The containers shall be closed and sealed.
d) The container shall be labeled with the name of the subject and the date of the collection.
e) A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.
f) A urine sample shall be collected in the presence of the arresting officer or an agency employee who can authenticate the sample. The officer or agency employee shall be of the same sex as the subject undergoing testing.
g) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.
h) The testing laboratory shall maintain any remaining sample for a period of six months after testing.

Section 1286.350 Urine Collection for Determining the Concentration of Urine Alcohol

a) A urine sample should be considered only when other methods to determine alcohol concentration are not practicable, due to the condition of the individual.
b) For alcohol analysis only, the subject shall empty his or her bladder, and the urine shall be discarded or used as a sample for Section 1286.340.
c) One-half hour later, the subject shall again be requested to empty the bladder, and the sample of about 60 ml shall be collected in a clean, dry container.
d) No preservative shall be included in the container. The container shall be closed and sealed.
e) The container shall be labeled with the name of the subject and the date of the collection.
f) A sample of urine, when collected, shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.
g) A urine sample shall be collected in the presence of the arresting officer or another law enforcement officer who can authenticate the sample. The officer or representative shall be of the same sex as the subject undergoing testing.
h) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.
i) The testing laboratory shall maintain any remaining sample for a period of six months after testing.

Section 1286.360 Reporting Laboratory Results

a) Laboratories shall return the original analysis report of the blood or urine sample to the submitting agency only.
b) Laboratories shall retain a duplicate copy of the analysis report in

the testing laboratory for two years.
c) Laboratories shall submit to the Department all blood and/or urine test results for alcohol concentration or the presence of other drugs or intoxicating compounds along with the age and sex of the individuals on a quarterly basis using electronic data transfer techniques. Results are to be submitted to the Department's Breath Alcohol Training Section, 3700 East Lake Shore Drive, Springfield, Illinois 62707.

Section 1286.370 Operation of PBTs

a) Each test shall be performed according to an operational procedure programed into the device.
b) A test shall consist of only one breath analysis reading, based on the device's internal operational calculations.
 1) Complete and valid breath analysis reading is denoted by at least one air blank, one subject breath test reading, and no breakdown message.
 2) Messages such as refusal, insufficient sample, inadequate sample, etc., are not breakdowns or even malfunctions. These messages indicate the subject's failure to meet the minimum requirements of a complete and valid breath analysis.
 3) A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to additional test or tests.

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1) Heading of the Part: Approval or Rejection of Arbitrated Agreements

2) Code Citation: 83 Ill. Adm. Code 762

3)

Section Numbers:	Adopted Action:
762.30	Amendment
762.100	Amendment
762.105	New Section
762.120	Amendment
762.200	Amendment
762.210	Amendment
762.220	Amendment
762.1000	New Section
762.1010	New Section
762.1020	New Section
762.1030	New Section
762.1040	New Section
762.1045	New Section
762.1050	New Section
762.1060	New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: October 15, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 2, 2000, at 24 Ill. Reg. 7783

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Section 762.30: Add ""e-Docket" means a Web based electronic filing system that allows electronic filing, management, and access to electronic records that make up case files."

Section 762.105(a): Change "1/2 inchg" to "3/4 inch. Page numbers shall be centered and have a bottom margin of not less than 1/2 inch."

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Section 762.105(b): Delete "and" and "or larger". At the end of the line, add "Footnotes shall be at least 10-point. Other material not in the body of the text, such as financial data schedules and exhibits, shall be at least 8-point. All exhibits of a documentary character shall, whenever practical, conform to these requirements."

Section 762.105: Add " d) Testimony prepared for the purpose of being entered into evidence shall include line numbers on the left-hand side of each page of text. Testimony shall include continuous line numbers. Schedules, attachments, and exhibits of a numerical or documentary nature shall, whenever practical, conform to said requirements."

Section 762.220(b): Change "Notwithstanding the preceding sentence, however" to "However".

Section 762.1050(b): Change "200.430" to "762.220".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings in which the Commission approves or rejects arbitrated agreements pursuant to federal law.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)785-3922

The full text of the adopted amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 762
APPROVAL OR REJECTION OF ARBITRATED AGREEMENTS

SUBPART A: GENERAL PROVISIONS

Section
762.10 Procedure Governed
762.20 Deviation from this Part
762.30 Definitions
762.40 Authority of Hearing Examiner
762.50 Federal Preemption of State Court Review
762.60 Failure to Act

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section
762.100 Communications to the Commission
762.105 Form of Pleadings and Documents
762.110 Submission for Commission Approval of an Arbitrated Agreement
762.120 Filing of Comments
762.130 Service

SUBPART C: PRE-DECISIONAL PROCEDURE

Section
762.200 Pre-decisional Conferences
762.205 Schedule of Pre-decisional Procedure
762.210 Intervention
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SUBPART D: DECISIONAL PROCEDURE

Section
762.300 Disqualification of Hearing Examiner
762.310 Consolidation and Severance
762.320 Ex Parte Communications

SUBPART E: POST-COMMENT PROCEDURE

Section
762.410 Hearing Examiner's Proposed Decision
762.420 Exceptions
762.430 Oral Argument
762.440 Additional Comments

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SUBPART F: ELECTRONIC FILING

Section
762.1000 Overview of Electronic Filing
762.1010 Acceptable Formats
762.1020 e-Docket Accounts
762.1030 Control Processes
762.1040 Submission of Electronic Documents
762.1045 Electronic Documents Accepted by the Commission
762.1050 Service by Electronic Means
762.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Adopted at 21 Ill. Reg. 7129, effective June 1, 1997; emergency amendment at 24 Ill. Reg. 7881, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15934, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 762.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, motions, responses, replies, notices, proposed decisions, exceptions to Hearing Examiners' proposed orders, comments, drafts or suggested forms of order, and similar writings.

"e-Docket" means a Web based electronic filing system that allows electronic filing, management, and access to electronic records that make up case files.

"Electronic" *includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.* [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

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"Electronic record" *means a record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another.* [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 762.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" *means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.* [815 ILCS 511/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 USC ~~U.S.C.~~ 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means those persons who submit to the Commission for approval an arbitrated agreement pursuant to Section 252(e) of the Communications Act of 1934 (47 USC ~~U.S.C.~~ 252); or, a person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended at 24 Ill. Reg. 15934, effective _____)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 762.100 Communications to the Commission

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 ~~62706~~. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to

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the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. 5974, effective _____)

Section 762.105 Form of Pleadings and Documents

a) All pleadings and documents filed with the Commission shall be typewritten or printed on white paper 8 1/2 inches by 11 inches or capable of being printed on white paper 8 1/2 inches by 11 inches and shall have inside text margins of not less than one inch. An optional heading consisting of the docket number and document title shall be placed in the upper right-hand corner and have a top margin of not less than 3/4 inch. Page numbers shall be centered and have a bottom margin of not less than 1/2 inch. Line numbers shall have a left-hand margin of not less than 1/2 inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes may be single spaced and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font, black type on white background. The text of pleadings or documents shall be at least 12-point. Footnotes shall be at least 10-point. Other material not in the body of the text, such as financial data schedules and exhibits, shall be at least 8-point. All exhibits of a documentary character shall, whenever practical, conform to these requirements.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

d) Testimony prepared for the purpose of being entered into evidence shall include line numbers on the left-hand side of each page of text. Testimony shall include continuous line numbers. Schedules, attachments, and exhibits of a numerical or documentary nature shall, whenever practical, conform to these requirements.

(Source: Added at 24 Ill. Reg. 15934, effective _____)

Section 762.120 Filing of Comments

a) For proceedings subject to this Part that were initiated prior to January 1, 2000, an ~~An~~ original and eight paper ~~11~~ copies of all comments and draft proposed decisions shall be filed with the Commission. Comments shall be concise, and, if in excess of 20 pages, excluding appendices, shall contain:
 1~~a~~) A table of contents;
 2~~b~~) A short statement of the case;

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3e) A summary of the position of the party filing; and
4d) Argument.

b) For proceedings subject to this Part that were initiated after January 1, 2000, one original document shall be filed with the Commission, subject to the content requirements of subsection (a).

(Source: Amended at 24 Ill. Reg. 15934, effective _____)

SUBPART C: PRE-DECISIONAL PROCEDURE

Section 762.200 Pre-decisional Conferences

Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a pre-decisional conference. Notice of the pre-decisional conference shall be given in writing, telephone, e-mail, or telephone facsimile no later than 24 hours before the pre-decisional conference. Such a conference may be held for any purpose, including, but not limited to:

a) Scheduling;
b) Identification and simplification of issues;
c) Amendments to documents; and
d) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.

(Source: Amended at 24 Ill. Reg. 15934, effective _____)

Section 762.210 Intervention

a) Petitions to intervene shall contain:
 1) The name, address, telephone number, and unless the party has no facsimile number or e-mail address either directly or through its attorney, facsimile number and e-mail address, ~~and telephone number~~ of the petitioner seeking leave to intervene;
 2) A plain and concise statement of the nature of such petitioner's interest;
 3) A prayer for leave to intervene and be treated as a party to the proceeding.
b) While a petition for leave to intervene is pending, the Hearing Examiner, in his or her discretion, may permit the petitioner to participate in the proceeding.

(Source: Amended at 24 Ill. Reg. 15934, effective _____)

Section 762.220 Protective Orders

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a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
b) A person submitting a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. However, the proposed expiration date may exceed five years upon a showing of good cause. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
c) A document submitted and marked as proprietary shall be afforded proprietary treatment pending the timely submission of a motion to protect the confidential, proprietary or trade secret nature of that document and a ruling on that motion by the Commission or the Hearing Examiner.
d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART F: ELECTRONIC FILING

Section 762.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is *to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records.* [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part, through its electronic filing system, "e-Docket". Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

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1) Microsoft Word for windows, version 6.0 or greater;
2) Corel WordPerfect for Windows, version 6.0 or greater;
3) Microsoft Excel for Windows, version 4.0 or greater;
4) Lotus 1-2-3 for Windows, version 4.0 or greater;
5) ASCII Text; or
6) Adobe Acrobat Portable Document Format (PDF) version 2.0 or greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat PDF. Electronic documents not submitted in PDF will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. 15944, effective _____)

Section 762.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:
1) First name and last name;
2) Primary mailing address and phone number;
3) Preferred user name;
4) Password;
5) Challenge question and answer; and
6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. 15944, effective _____)

Section 762.1030 Control Processes

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a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. 15945, effective _____)

Section 762.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit must include the scanned verification or affidavit pages in the filed electronic document in Adobe Acrobat PDF; otherwise documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification or affidavit pages accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and, if applicable, any required original paper verification or affidavit pages by the Chief Clerk of the Commission in one of the formats specified in Section 762.1010(a). Any required verification or affidavit pages, whether they be in an electronic format or a paper version, must be received and accepted by the Chief Clerk for purposes of meeting filing deadlines, unless otherwise specified by the Commission or the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1045 Electronic Documents Accepted by the Commission

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

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(Source: Added at 24 Ill. Reg. 15944, effective _____)

Section 762.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 762.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail, provided that the service is on an e-mail address that the recipient has identified in its appearance or in a subsequent filing or agreement. Because of pagination and format concerns, the parties are encouraged to serve in PDF. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted at or before the time due, except service by electronic means on weekends or holidays shall be deemed complete on the next business day unless otherwise specified by the Commissioner or the Hearing Examiner.

b) If any party files a proprietary electronic document (see Section 762.220), that party must serve the proprietary electronic document on any other party of record that has the right to see the document on any legal or contractual basis, such as a confidentiality agreement, and a public redacted version pursuant to Section 762.220. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. 15944, effective _____)

Section 762.1060 Electronic Documents and the Hearing Process

If any prefiled testimony or exhibit in the e-Docket system is offered and admitted into evidence without alteration at a hearing in an arbitration proceeding, the official copy is the document found in the e-Docket system. If a prefiled document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing is eliminated. If any prefiled testimony or exhibit in the e-Docket system is altered at hearing in any way and admitted into evidence, the altered testimony or exhibit is the official copy. The sponsoring party must serve the complete altered document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. 15944, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Approval of Negotiated Agreements

2) Code Citation: 83 Ill. Adm. Code 763

3)

Section Numbers:	Adopted Action:
763.30	Amendment
763.100	Amendment
763.105	New Section
763.120	Amendment
763.130	Amendment
763.140	Amendment
763.200	Amendment
763.230	Amendment
763.440	Amendment
763.1000	New Section
763.1010	New Section
763.1020	New Section
763.1030	New Section
763/1040	New Section
763.1045	New Section
763.1050	New Section
763.1060	New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: October 15, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 2, 2000, at 24 Ill. Reg. 7771

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Section 763.30: Add ""e-Docket" means a Web based electronic filing system that allows electronic filing, management, and access to electronic

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records that make up case files."

Section 763.105(b): Delete "and" and "or larger". At the end of the line, add "Footnotes shall be at least 10-point. Other material not in the body of the text, such as financial data schedules and exhibits, shall be at least 8-point. All exhibits of a documentary character shall, whenever practical, conform to these requirements."

Section 763.105: Add "d) Testimony prepared for the purpose of being entered into evidence shall include line numbers on the left-hand side of each page of text. Testimony shall include continuous line numbers. Schedules, attachments, and exhibits of a numerical or documentary nature shall, whenever practical, conform to said requirements."

Section 763.230(b): Change "Notwithstanding the preceding sentence, however" to "However".

Section 763.1050(b): Change "200.430" to "762.220".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings in which the Commission approves negotiated agreements pursuant to Federal law.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 763
APPROVAL OF NEGOTIATED AGREEMENTS

SUBPART A: GENERAL PROVISIONS

Section
763.10 Procedure Governed
763.20 Deviation from this Part
763.30 Definitions
763.40 Authority of Hearing Examiner
763.50 Federal Preemption of State Court Review
763.60 Failure to Act

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section
763.100 Communications to the Commission
763.105 Form of Pleadings and Documents
763.110 Filing of Petition for Approval of Negotiated Agreement
763.120 Required Disclosures
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Section
763.200 Scheduling Conferences
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SUBPART D: INFORMATION GATHERING PROCEDURE

Section
763.300 Disqualification of Hearing Examiner
763.320 Transcripts
763.330 Consolidation and Severance
763.340 Information to be Adduced
763.350 Information to be Under Oath or Affirmation
763.360 Stipulation of Facts
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SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

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Section
763.400 Briefs
763.410 Draft Proposed Decisions
763.420 Hearing Examiner's Proposed Decision
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763.440 Filing of Briefs
763.450 Oral Argument
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763.470 Reopening on Motion of the Commission

SUBPART F: ELECTRONIC FILING

Section
763.1000 Overview of Electronic Filing
763.1010 Acceptable Formats
763.1020 e-Docket Accounts
763.1030 Control Processes
763.1040 Submission of Electronic Documents
763.1045 Electronic Documents Accepted by the Commission
763.1050 Service by Electronic Means
763.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8527, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14285, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6454, effective May 16, 1997; emergency amendment at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. ~~15945~~ 15949, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 763.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, written discovery, answers to discovery, motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested

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forms of order, and similar writings.

"e-Docket" means a Web based electronic filing system that allows electronic filing, management, and access to electronic records that make up case files.

"Electronic" *includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.* [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" *means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.* [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 763.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" *means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.* [815 ILCS 511/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct proceedings pursuant to Section 252(e) of the Communications Act of 1934 (47 USC ~~U.S.C.~~ 252).

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means any person who enters into a negotiated agreement for which Commission approval is sought under 47 USC ~~U.S.C.~~ 252(e); or, any person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

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(Source: Amended at 24 Ill. Reg. 15945, effective _____)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 763.100 Communications to the Commission

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 ~~62706~~. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. 15945, effective _____)

Section 763.105 Form of Pleadings and Documents

a) All pleadings and documents filed with the Commission shall be typewritten or printed on white paper 8 1/2 inches by 11 inches or capable of being printed on white paper 8 1/2 inches by 11 inches and shall have inside text margins of not less than one inch. An optional heading consisting of the docket number and document title shall be placed in the upper right-hand corner and have a top margin of not less than 3/4 inch. Page numbers shall be centered and have a bottom margin of not less than 1/2 inch. Line numbers shall have a left-hand margin of not less than 1/2 inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes may be single spaced and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font, black type on white background. The text of pleadings or documents shall be at least 12-point. Footnotes shall be at least 10-point. Other material not in the body of the text, such as financial data schedules and exhibits, shall be at least 8-point. All exhibits of a documentary character shall, whenever practical, conform to these requirements.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

d) Testimony prepared for the purpose of being entered into evidence shall include line numbers on the left-hand side of each page of text. Testimony shall include continuous line numbers. Schedules, attachments, and exhibits of a numerical or documentary nature shall, whenever practical, conform to these requirements.

(Source: Added at 24 Ill. Reg. 15945, effective

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_____)

Section 763.120 Required Disclosures

Unless otherwise ordered by the Hearing Examiner or the Commission, parties shall file with the petition for approval of a negotiated agreement, and without awaiting a discovery request:

a) The name, address, facsimile number, e-mail address, and telephone number of each individual likely to have discoverable information relevant to the issues of whether:
 1) the agreement, or any portion thereof, discriminates against a carrier not a party to the agreement; and
 2) implementation of the agreement, or any portion thereof, would be inconsistent with the public interest.

b) A copy of, or a description by category and location of, all documents, data compilations, and written information in the possession, custody, or control of the party that are relevant to the issues of whether:
 1) the agreement, or any portion thereof, discriminates against a carrier not a party to the agreement; and
 2) implementation of the agreement, or any portion thereof, would be inconsistent with the public interest.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 763.130 Contents of Documents

a) All documents submitted in approval proceedings before the Commission shall display the docket number of the proceeding. Documents initiating a new proceeding shall leave a space for the docket number. All documents shall also include the full name, address, and telephone number, and, unless the party has no facsimile number or e-mail address either directly or through its attorney, facsimile number and e-mail address of the person or the representative of the person filing the document. A party, in its first pleading in a proceeding, shall state whether it agrees to accept service by electronic means as provided for in Section 763.1050. A party later may agree, or may revoke its agreement, to accept electronic service, provided that the party shall file and serve a notice of the later agreement or revocation.

b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in form and substance as follows:

I, _____, do on oath depose and state that the

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facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, (year) ~~19~~--.

NOTARY PUBLIC

(Source: Amended at 24 Ill. Reg. 15245, effective _____)

Section 763.140 Copies of Documents

a) For any proceeding subject to this Part that was initiated prior to January 1, 2000, all ~~All~~ documents shall be filed with the Chief Clerk in one original and two paper copies, unless otherwise specified in this Part.

b) For any proceeding subject to this Part that was initiated after January 1, 2000, one original document shall be filed with the Chief Clerk.

(Source: Amended at 24 Ill. Reg. 15245, effective _____)

SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

Section 763.200 Scheduling Conferences

Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a scheduling conference. Notice of the conference shall be given in writing, telephone, e-mail, or telephone facsimile not later than 24 hours before the pre-hearing conference. Such a conference may be held for any purpose, including, but not limited to:

a) Scheduling;
b) Identification and simplification of issues;
c) Amendments to documents;
d) Limitations on the number of witnesses;
e) The issuance of rulings denying, limiting, conditioning or regulating discovery;
f) The issuance of rulings supervising all or any part of any discovery procedure; and
g) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

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(Source: Amended at 24 Ill. Reg. 15245, effective _____)

Section 763.230 Protective Orders

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person submitting a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. However, the proposed expiration date may exceed five years upon a showing of good cause. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

c) A document submitted and marked as proprietary shall be afforded proprietary treatment pending the timely submission of a motion to protect the confidential, proprietary or trade secret nature of that document and a ruling on that motion by the Commission or the Hearing Examiner.

d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. 15245, effective _____)

SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

Section 763.440 Filing of Briefs

a) In proceedings subject to this Part that were initiated prior to January 1, 2000, a paper ~~An~~ original and eight paper ~~11~~ copies of all briefs shall be filed with the Commission.

b) In proceedings subject to this Part that were initiated after January 1, 2000, an original brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. 15245, effective _____)

SUBPART F: ELECTRONIC FILING

Section 763.1000 Overview of Electronic Filing

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One of the stated purposes of the Electronic Commerce Security Act is *to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records.* [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part, through its electronic filing system, "e-Docket". Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
 1) Microsoft Word for Windows, version 6.0 or greater;
 2) Corel WordPerfect for Windows, version 6.0 or greater;
 3) Microsoft Excel for Windows, version 4.0 or greater;
 4) Lotus 1-2-3 for Windows, version 4.0 or greater;
 5) ASCII Text; or
 6) Adobe Acrobat Portable Document Format (PDF) version 2.0 or greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat PDF. Electronic documents not submitted in PDF will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:
 1) First name and last name;
 2) Primary mailing address and phone number;
 3) Preferred user name;

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 4) Password;
 5) Challenge question and answer; and
 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1030 Control Processes

a) e-Docket allows only users with an I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit must include the scanned verification or affidavit pages in the filed

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electronic document in Adobe Acrobat PDF; otherwise documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification or affidavit pages accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and, if applicable, any required original paper verification or affidavit pages by the Chief Clerk of the Commission in one of the formats specified in Section 763.1010(a). Any required verification or affidavit pages, whether they be in an electronic format or a paper version, must be received and accepted by the Chief Clerk for purposes of meeting filing deadlines, unless otherwise specified by the Commission or the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1045 Electronic Documents Accepted by the Commission

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Not withstanding Section 763.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail, provided that the service is on an e-mail address that the recipient has identified in its appearance or in a subsequent filing or agreement. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted at or before the time due, except service by electronic means on weekends or holiday shall be deemed complete on the next business day unless otherwise specified by the Commission or the Hearing Examiner.

b) If any party files a proprietary electronic document (see Section 763.230), that party must serve the proprietary electronic document on any other party of record that has the right to see the document on any legal or contractual basis, such as a confidentiality agreement, and a public redacted version pursuant to Section 763.230. The e-Docket system does not allow any person outside of the Commission to

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see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1060 Electronic Documents and the Hearing Process

If any prefiled testimony or exhibit in the e-Docket system is offered and admitted into evidence without alteration at a hearing in an arbitration proceeding, the official copy is the document found in the e-Docket system. If a prefiled document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing is eliminated. If any prefiled testimony or exhibit in the e-Docket system is altered at hearing in any way and admitted into evidence, the altered testimony or exhibit is the offical copy. The sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Arbitration Practice

2) Code Citation: 83 Ill. Adm. Code 761

3)

Section Numbers:	Adopted Action:
761.30	Amendment
761.100	Amendment
761.105	New Section
761.130	Amendment
761.140	Amendment
761.200	Amendment
761.240	Amendment
761.440	Amendment
761.1000	New Section
761.1010	New Section
761.1020	New Section
761.1030	New Section
761.1040	New Section
761.1045	New Section
761.1050	New Section
761.1060	New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: October 15, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 2, 2000 at 24 Ill. Reg. 7794

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Section 761.105(a): add "8 1/2 inches by 11 inches" after "paper". In the second sentence, change "1/2" to "3/4 inch. Line numbers shall have a left-hand margin of not less than 1/2 inch."

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Section 761.240(b): Change "Notwithstanding the preceding sentence, however" to "However".

Section 761.1050(b): Change "200.430" to "761.240".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission arbitration proceedings.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

The full text of the adopted amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 761
ARBITRATION PRACTICE

SUBPART A: GENERAL PROVISIONS

Section
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AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8541, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14289, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6468, effective May 16, 1997; emergency amendment at 24 Ill. Reg. 7892, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15958, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 761.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, responses, amended and supplemental petitions, written discovery, responses to discovery, verified

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statements, verified exhibits, depositions, motions, responses, replies, notices, proposed arbitration decisions, exceptions to Hearing Examiners' proposed arbitration decisions, briefs, draft proposed arbitration decisions, and similar writings.

"e-Docket" means a Web based electronic filing system that allows electronic filing, management, and access to electronic records that make up case files.

"Electronic" *includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.* [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" *means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.* [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 761.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" *means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.* [815 ILCS 511/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 USC ~~U.S.C.~~ 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Party" means any person who initiates a Commission proceeding by filing a petition for arbitration or a person entitled to file a response to a petition for arbitration pursuant to Section 252(b)(3) of the Communications Act of 1934. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part. No other person shall be granted party status or be allowed to intervene.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

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"Petitioner" means a party who, by ~~written~~ petition, applies for or seeks relief through arbitration pursuant to Section 252(b) of the Communications Act of 1934.

"Pleading" means any petition, motion, reply or response filed ~~in writing~~ with the Commission in an arbitration proceeding.

"Respondent" means a party against whom a petition is filed.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended at 24 Ill. Reg. 15958, effective _____)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 761.100 Communications to the Commission

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 ~~62706~~. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. 15958, effective _____)

Section 761.105 Form of Pleadings and Documents

a) All pleadings and documents filed with the Commission shall be typewritten or printed on white paper 8 1/2 inches by 11 inches or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside text margins of not less than one inch. An optional heading consisting of the docket number and document title shall be placed in the upper right-hand corner and have a top margin of not less than 3/4 inch. Line numbers shall have a left-hand margin of not less than 1/2 inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes may be single spaced and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font, black type on white background. The text of pleadings or documents shall be at least 12-point. Footnotes shall be at least 10-point. Other material not in the body of the text, such

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as financial data schedules and exhibits, shall be at least 8-point. All exhibits of a documentary character shall, whenever practical, conform to these requirements.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

d) Testimony prepared for the purpose of being entered into evidence shall include line numbers on the left-hand side of each page of text. Testimony shall include continuous line numbers. Schedules, attachments, and exhibits of a numerical or documentary nature shall, whenever practical, conform to these requirements.

(Source: Added at 24 Ill. Reg. 15458, effective _____)

Section 761.130 Contents of Documents

a) All documents submitted in arbitration proceedings before the Commission shall display the docket number of the proceeding. Documents initiating a new arbitration proceeding shall leave a space for the docket number. All documents shall also include the full name, address, telephone number, and, unless the party has no facsimile number or e-mail address, either directly or through its attorney, facsimile number and e-mail address ~~and telephone number~~ of the person or the representative of the person filing the document. A party, in its first pleading in an arbitration proceeding, shall state whether it agrees to accept service by electronic means as provided for in Section 761.1050. A party later may agree, or may revoke its agreement, to accept electronic service, provided that the party shall file and serve a notice of the later agreement or revocation.

b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in form and substance as follows:

I, _____, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, (year) ~~19~~--.

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(Source: Amended at 24 Ill. Reg. 15458, effective _____)

Section 761.140 Copies of Documents

a) For proceedings initiated prior to January 1, 2000, all ~~All~~ documents shall be filed with the Chief Clerk in one original and two paper copies, unless otherwise specified in this Part.

b) For proceedings initiated after January 1, 2000, the original of any document shall be filed with the Chief Clerk.

(Source: Amended at 24 Ill. Reg. 15458, effective _____)

SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY

Section 761.200 Pre-arbitration Conferences

a) Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a pre-arbitration conference. Notice of the pre-arbitration conference shall be given in writing, telephone, e-mail, or telephone facsimile not later than 24 hours before the pre-arbitration conference. Such a conference may be held for any purpose, including, but not limited to:

1) Scheduling;
2) Identification and simplification of issues;
3) Amendments to documents;
4) Limitations on the number of witnesses;
5) The issuance of rulings denying, limiting, conditioning or regulating discovery;
6) The issuance of rulings supervising all or any part of any discovery procedure; and
7) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.

(Source: Amended at 24 Ill. Reg. 15458, effective _____)

Section 761.240 Protective Orders

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person submitting a motion for a protective order shall specify the

proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. However, the proposed expiration date may exceed five years upon a showing of good cause. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

c) A document submitted and marked as proprietary shall be afforded proprietary treatment pending the timely submission of a motion to protect the confidential, proprietary or trade secret nature of that document and a ruling on that motion by the Commission or the Hearing Examiner.

d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART E: POST-HEARING PROCEDURE

Section 761.440 Filing of Briefs

a) For arbitration proceedings initiated prior to January 1, 2000, an ~~An~~ original and eight paper ~~11~~ copies of all briefs shall be filed with the Commission.

b) For arbitration proceedings initiated after January 1, 2000, an original copy of a brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART F: ELECTRONIC FILING

Section 761.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is *to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records.* [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part, through its electronic filing system, "e-Docket". Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
 1) Microsoft Word for Windows, version 6.0 or greater;
 2) Corel WordPerfect for Windows, version 6.0 or greater;
 3) Microsoft Excel for Windows, version 4.0 or greater;
 4) Lotus 1-2-3 for Windows, version 4.0 or greater;
 5) ASCII Text; or
 6) Adobe Acrobat Portable Document Format (PDF) version 2.0 or greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat PDF. Electronic documents not submitted in PDF will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:
 1) First name and last name;
 2) Primary mailing address and phone number;
 3) Preferred user name;
 4) Password;
 5) Challenge question and answer; and
 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This

shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. 15358, effective _____)

Section 761.1030 Control Processes

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular arbitration proceeding are allowed to file electronic documents in that case.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit must include the scanned verification or affidavit pages in the filed electronic document in Adobe Acrobat PDF; otherwise documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification or affidavit pages accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and, if applicable, any required original paper verification or affidavit pages by the Chief Clerk of the Commission in one of the formats specified in Section 761.1010(a). Any required verification or affidavit pages, whether they be in an electronic format or a paper version, must be received and accepted by the Chief Clerk for purposes of meeting filing deadlines, unless otherwise specified by the Commission or the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1045 Electronic Documents Accepted by the Commission

All documents either initiating an arbitration proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. 15358, effective _____)

Section 761.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 761.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail, provided that the service is on an e-mail address that the recipient has identified in its appearance or in a subsequent filing or agreement. Because of pagination and format concerns, the parties are encouraged to serve in PDF. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted at or before the time due, except service by electronic means on weekends or holidays shall be deemed complete on the next business day unless otherwise specified by the Commission or the Hearing Examiner.

b) If any party files a proprietary electronic document (see Section 761.240), that party must serve the proprietary electronic document on any other party of record that has the right to see the document on any legal or contractual basis, such as a confidentiality agreement, and a public redacted version pursuant to Section 761.240. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1060 Electronic Documents and the Hearing Process

If any prefiled testimony or exhibit in the e-Docket system is offered and admitted into evidence without alteration at a hearing in an arbitration proceeding, the official copy is the document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing is eliminated. If any prefiled testimony or exhibit in the e-Docket system is altered at hearing in any way and admitted into evidence, the altered testimony or exhibit is the official copy. The sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed

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by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. 15458, effective _____)

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1) The Heading of the Part: Certification of Alternative Retail Electric Suppliers

2) Code Citation: 83 Ill. Adm. Code 451

3)

Section Numbers:	Adopted Action:
451.10	Amendment
451.20	Amendment
451.30	Amendment
451.40	Amendment
451.50	New Section
451.60	New Section
451.100	Amendment
451.110	Amendment
451.120	Amendment
451.130	Amendment
451.140	Amendment
451.150	Amendment
451.160	Repealed
451.220	Amendment
451.230	Amendment
451.260	Amendment
451.270	Repealed
451.320	Amendment
451.360	Amendment
451.370	Repealed
451.440	Amendment
451.450	Repealed
451.500	Amendment
451.510	Amendment
451.700	New Section
451.710	New Section
451.720	New Section
451.730	New Section
451.740	New Section
451.750	New Section
451.760	New Section
451.770	New Section

4) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].

5) Effective Date of Amendments: October 15, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes

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8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 31, 2000, at 24 Ill. Reg. 5083

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

Section 451.10: Add "and Incorporations" to Section heading. Add the following definitions:

"Best's financial size category" refers to a numerical value that A.M. Best or its successor assigns to an insurance company based on the amount of that insurance company's policyholders' surplus and reserve funds.

"Best's rating" refers to a rating from A.M. Best or its successor that provides an overall opinion of an insurance company's ability to meet its obligations to policyholders.

"Commercial general liability insurance" means insurance that covers suits against the insured for personal injury and property damages.

"Qualifying surety" means a surety or insurer that is authorized by the U.S. Department of Treasury pursuant to 31 USC 9305. A qualifying surety or insurer may not underwrite more than the amount specified by the U.S. Department of Treasury on a single bond.

Section 451.30(a): after "publish", add ", as provided by the Notice of Publication Act [715 ILCS 5]".

Section 451.440: After "Newspaper", add "as provided by the Notice of Publication Act [715 ILCS 5]".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Section 16-115 of the Act requires an alternative retail electric supplier ("ARES") to obtain a certificate from the Commission before serving any retail customer or other user located in Illinois. Section 16-115(f) gives the Commission authority to promulgate

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rules applicable to ARES certification. Rules applicable to ARES certification have been adopted in 83 Ill. Adm. Code 451.

The Commission has gained experience in assessing ARES applications since the adoption of the rules. This experience has revealed that, notwithstanding the best efforts of the parties to the original rulemaking, some of the financial standards in Subparts C and D need revision to ensure that applicants possess the necessary financial resources to offer retail electric service. The objectives are to clarify existing financial criteria; simplify some of the criteria and make them more understandable, and expand the number of "streamlined" criteria to encompass additional types of financial resources that came to light in the course of reviewing ARES applications. Bonding requirements have been consolidated. A financial ratio test has been added.

Subpart H is being adopted to add reporting requirements that will allow the Commission to monitor ARES on a continuing basis.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

The full text of the adopted amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 451
CERTIFICATION OF ALTERNATIVE RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL PROVISIONS

Section
451.10 Definitions and Incorporations
451.20 Requirements for All Applicants under Section 16-115(d) of the Act
451.30 Required Filings and Procedures
451.40 Customer Records and Information
451.50 License or Permit Bond Requirements
451.60 Confidential Documentation

SUBPART B: EXPEDITED PROCEDURES FOR APPLICANTS SEEKING ~~WHO SEEK~~ TO SERVE ONLY NONRESIDENTIAL CUSTOMERS WITH MAXIMUM ELECTRICAL DEMANDS OF ONE MEGAWATT OR MORE

Section
451.100 Applicability of Subpart B
451.110 Financial Qualifications under Subpart B
451.120 Technical Qualifications under Subpart B
451.130 Managerial Qualifications under Subpart B
451.140 Qualifications of Agents and Contractors under Subpart B
451.150 Commission Order in Expedited Proceedings under Subpart B
451.160 Confidential Documentation (Repealed)

SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL CONSUMPTION GREATER THAN 15,000 kWh

Section
451.200 Applicability of Subpart C
451.210 General Qualifications under Subpart C
451.220 Financial Qualifications under Subpart C
451.230 Technical Qualifications under Subpart C
451.240 Managerial Qualifications under Subpart C
451.250 Qualifications of Agents and Contractors under Subpart C
451.260 Commission Order in Proceedings under Subpart C
451.270 Confidential Documentation under Subpart C (Repealed)

SUBPART D: PROCEDURES FOR APPLICANTS SEEKING TO SERVE ALL RETAIL CUSTOMERS ~~INCLUDING SMALL COMMERCIAL RETAIL CUSTOMERS BUT~~ EXCLUDING RESIDENTIAL CUSTOMERS

Section

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451.300 Applicability of Subpart D
451.310 General Provisions of Subpart D
451.320 Financial Qualifications under Subpart D
451.330 Technical Qualifications under Subpart D
451.340 Managerial Qualifications under Subpart D
451.350 Qualifications of Agents and Contractors under Subpart D
451.360 Commission Order in Proceedings under Subpart D
451.370 Confidential Documentation under Subpart D (Repealed)

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS

Section
451.400 Applicability of Subpart E
451.410 Required Filings and Procedures under Subpart E
451.420 Technical Qualifications under Subpart E
451.430 Qualifications of Agents and Contractors under Subpart E
451.440 Commission Order in Proceedings under Subpart E
451.450 Confidential Documentation under Subpart E (Repealed)

SUBPART F: FINANCIAL QUALIFICATIONS FOR THE PROVISION OF SINGLE-BILLING SERVICE

Section
451.500 Applicability of Subpart F
451.510 Financial Qualifications under ~~of~~ Subpart F

SUBPART H: PROCEDURES FOR REPORTING CONTINUING COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section
451.700 Applicability of Subpart H
451.710 General Provisions
451.720 Erroneous or Defective Reports
451.730 Certification of Compliance with Section 16-115(d)(5) of the Act
451.740 Financial Reporting Requirements
451.750 Managerial Reporting Requirements
451.760 Technical Reporting Requirements
451.770 Kilowatt-hour Reporting Requirement

AUTHORITY: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].

SOURCE: Adopted at 23 Ill. Reg. 5528, effective May 1, 1999; amended at 23 Ill. Reg. 13820, effective December 1, 1999; amended at 24 Ill. Reg. 15971, effective _____.

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Section 451.10 Definitions and Incorporations

"Accountant's report" has the same meaning as in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1999. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" has the same meaning ~~means the same~~ as ~~the term is defined~~ in Section 16-102 of the Act [220 ILCS 5/16-102].

"Applicant" means an entity that files an application with the Illinois Commerce Commission to provide electric service as an alternative retail electric supplier under Section 16-115 of the Act [220 ILCS 5/16-115].

"Best's financial size category" refers to a numerical value that A.M. Best or its successor assigns to an insurance company based on the amount of that insurance company's policyholder's surplus and reserve funds.

"Best's rating" refers to a rating from A.M. Best or its successor that provides an overall opinion of an insurance company's ability to meet its obligations to policyholders.

"Business enterprise" means a commercial enterprise or establishment.

"Certified", when used in regard to financial statements, has the same meaning as in 17 CFR 210.1-02 as of April 1, 1999. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Commercial general liability insurance" means insurance that covers suits against the insured for personal injury and property damages.

"Commission" means the Illinois Commerce Commission.

"Electric cooperative" means the same as that term is defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4].

"Financial statements" has the same meaning as in 17 CFR 210.3-01 to 210.3-05 as of April 1, 1999. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Funds from operations interest coverage" equals (cash flow from

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operations exclusive of changes in working capital plus gross interest expense) divided by gross interest incurred before subtraction of capitalized interest and interest income.

"Funds from operations to average total debt" equals (cash flow from operations exclusive of changes in working capital plus depreciation adjustment for operating leases) divided by the average balance of total debt.

"Letter of credit" means an instrument issued by a bank guaranteeing the payment of a customer's (i.e., the applicant or ARES) drafts in favor of a third party up to a stated amount for a specified period.

"License bond" means an obligation of a surety to pay the monies that the licensee owes the State of Illinois for violations of the duties and obligations imposed on it as an ARES.

"Management position" means an employed position whereby an individual is responsible for directing, supervising, or administering the activities of a group of two or more people with fiscal responsibility and authority over that group.

"Material" has the same meaning as in 17 CFR 210.1-02 as of April 1, 1999. No incorporation of the Code of Federal Regulations in this Section 451.10 includes any later amendment or edition.

"Municipal system" means any public utility owned and operated by any political subdivision or municipal corporation of the State of Illinois, or owned by such an entity and operated by any lessee or agent thereof.

"Payment bond" means an obligation of a surety to pay the monies that the principal (i.e., the applicant or ARES) owes another party in the event that the applicant fails for whatever reason to perform its contract(s).

"Permit bond" has the same meaning as "license bond".

"Pre-tax interest coverage" equals earnings from continuing operations before interest and taxes divided by gross interest incurred before subtraction of capitalized interest and interest income.

"Qualifying surety" means a surety or insurer that is authorized by the U.S. Department of Treasury pursuant to 31 USC 9305. A qualifying surety or insurer may not underwrite more than the amount specified by the U.S. Department of Treasury on a single bond.

"Ratings agency" means Standard & Poor's or its successor, Moody's

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Investors Service or its successor, Duff & Phelps or its successor, or Fitch IBCA or its successor.

"Retail customer", as used in this Part, means the same as the term is defined in Section 16-102 of the Act.

"Small commercial retail customer" means the same as the term is defined in Section 16-102 of the Act.

"Technical staff" means a staff of trained technical experts in electric power and energy supply, including persons who have completed an accredited or otherwise recognized apprenticeship program or a formal education program and persons who possess no less than four years of experience working in a similar position with a utility, ARES or related business. This shall also include those persons registered as professional engineers as required by the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Total debt" equals notes payable plus current portion of long-term debt, preferred stock and capitalized lease obligations plus long-term debt plus capitalized lease obligations plus total off balance sheet debt.

"Total debt to total capitalization" equals total debt divided by (total debt plus minority interest, total preferred and preference stock plus common equity).

"Unconditional guarantee" means an undertaking by a guarantor to pay or fulfill the obligation upon failure of the principal obligor to fulfill its contractual obligations. An unconditional guarantee shall contain the following provisions:

The guarantee is one of payment and not of collection;

The guarantor's obligations under the guarantee are weighed equally with other guarantees;

The obligations from transactions entered into under the original guarantee must be the subject of an ongoing guarantee;

The guarantee reinstates if any guaranteed payment made by the primary obligor is recaptured as a result of bankruptcy or insolvency;

The guarantee is binding on successors of the guarantor;

The guarantor has subjected itself to jurisdiction and service of process in accordance with the laws of the State of Illinois, and

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the guarantee will be construed in accordance with the laws of the State of Illinois without reference to conflict of laws principles; and

The guaranteed obligations are unconditional, irrespective of value, genuineness, validity, waiver, release, alteration, amendment, and enforceability of the guaranteed obligations.

(Source: Amended at 24 Ill. Reg. 15971, effective _____)

Section 451.20 Requirements for All Applicants under Section 16-115(d) of the Act

Each applicant, except electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an ARES and applicants filing under Section 16-115(e) of the Act [220 ILCS 5/16-115(e)], for certification as an ARES must include with its application the following items, as required by Section 16-115(d) of the Act:

a) The applicant shall certify that it will comply with all applicable Federal, State, regional and industry rules, policies, practices, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system (including the Open Access Same-time Information System (OASIS) mandated by 18 CFR 37 and the rules and operating guidelines and procedures of the regional or national electric reliability council(s) or organization(s) and their successors for any portion of the state in which the applicant is certified to provide retail electric service) and shall agree to submit good faith schedules of transmission and energy in accordance with applicable tariffs.

b) The applicant shall certify that it will provide service only to retail customers that are eligible to take delivery services.

c) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may by rule establish.

d) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may establish regarding the provision of information required by Section 16-112 of the Act [220 ILCS 5/16-112]. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis and only to the extent and for the purposes that the Commission determines are reasonably necessary in order to carry out the purposes of this Act.

e) The applicant shall certify that it complies with the requirements of Section 16-115(d)(5) ~~and that it will remain in compliance with such requirements and will annually certify such compliance to the Commission within 30 days after the anniversary date of its certification~~. The applicant shall provide the following:

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1) Applicant's name and street address.
2) Applicant's Federal Employer Identification Number (FEIN).
3) Names and addresses of all of the applicant's affiliated companies involved in electric retail sales or purchases in the North American Continent.

f) The applicant shall demonstrate that:
1) The applicant is licensed to do business in the State of Illinois; and
2) The employees of the applicant that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, or any entity with which the applicant has contracted to perform those functions within the State of Illinois, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)].

g) The applicant shall certify compliance with all other applicable laws and regulations and Commission rules and orders.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.30 Required Filings and Procedures

a) The applicant shall publish, as provided by the Notice by Publication Act [715 ILCS 5], notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant shall ~~will~~ file proof of publication with the Clerk of the Commission ~~when notice publication has been accomplished~~.

b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).

c) The applicant shall identify the geographic area or geographic areas in which the applicant seeks to be authorized to offer service and the types of services it intends to offer. The applicant shall provide the following:
1) Description of the applicant's ~~Applicant's~~ business.
2) Description of the characteristics of customer group(s) applicant proposes to serve.
3) Proof that notification of an intent to serve in any utility's service area has been previously provided to the agent designated by the electric utility pursuant to 83 Ill. Adm. Code 215.10 of each electric utility in whose service area the applicant intends to serve.

d) Itemized filing requirements
1) At the time an ARES files an application for certification under this Part, the applicant shall also file its statement in support of application, supporting documents, and schedules containing information showing that the applicant meets the requirements of Section 16-115 of the Act [220 ILCS 5/16-115].
2) The applicant shall certify compliance with all terms and conditions required by Sections 16-115A(a), (b) and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the alternative electric supplier [220 ILCS 5/16-115A(a), (b) and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a)].

e) Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200: Subpart B).

f) The foregoing requirements of this Section shall apply to neither electric cooperatives or municipal systems making an election under Section 17-300 of the Act to become an ARES nor to applicants filing under Section 16-115(e) of the Act.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.40 Customer Records and Information

a) The applicant shall agree to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. In addition to other lawful means of discovery, these records shall be made available by request to the Commission or its Staff on a confidential and proprietary basis, as necessary to carry out the Commission's obligations under the Act.

b) The applicant shall preserve the confidentiality of its customers' data and shall agree to adopt and follow rules and procedures to preserve the confidentiality of its customers' ~~customer's~~ data.

c) The foregoing requirements of this Section shall apply to neither electric cooperatives nor ~~or~~ municipal systems making an election under Section 17-300 of the Act to become an ARES nor to applicants filing under Section 16-115(e) of the Act.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.50 License or Permit Bond Requirements

a) The applicant shall execute and maintain a license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of

the State of Illinois. The amount of the bond shall equal $30,000 if the applicant seeks to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more, $150,000 if the applicant seeks to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh, or $300,000 if the applicant seeks to serve all eligible retail customers. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES and shall be valid for a period of not less than one year. The cost of the bond shall be paid by the applicant. The applicant shall file this bond as part of its application for certification.

b) In the event that a license or permit bond is cancelled, expires or is drawn upon, the ARES shall execute and maintain an additional or replacement bond such that the cumulative value of all outstanding bonds never falls below the amount required in subsection (a) of this Section. The ARES shall file a copy of the additional or replacement bond with the Chief Clerk of the Commission and provide a copy to the Manager of the Financial Analysis Division or his or her successor at least 15 days in advance of the effective date of the bond. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the ARES as it appears in the most recent Commission order granting the ARES certification.

c) In the event that a license or permit bond is modified, the ARES shall file a copy of the modified bond with the Chief Clerk of the Commission and provide a copy of that bond to the Manager of the Financial Analysis Division or his or her successor at least 15 days in advance of the effective date of the modification. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the ARES as it appears in the most recent Commission order granting the ARES certification.

d) The requirements of this Section shall apply to neither electric cooperatives nor municipal systems making an election under Section 17-300 of the Act to become an ARES nor to applicants filing under Section 16-115(e) of the Act.

(Source: Added at 24 Ill. Reg. 15971, effective OCT 15 2000)

Section 451.60 Confidential Documentation

If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430. The applicant or ARES shall designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Chief Clerk of the Commission. The applicant or ARES is required to explain why that information

is entitled to that protection in a supporting document pursuant to Section 451.30(d)(1).

(Source: Added at 24 Ill. Reg. 15971, effective OCT 15 2000)

SUBPART B: EXPEDITED PROCEDURES FOR APPLICANTS SEEKING ~~WHO SEEK~~ TO SERVE ONLY NONRESIDENTIAL CUSTOMERS WITH MAXIMUM ELECTRICAL DEMANDS OF ONE MEGAWATT OR MORE

Section 451.100 Applicability of Subpart B

This Subpart shall apply only to the expedited certification of all alternative retail electric suppliers that seek to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more as required by Section 16-115(f) of the Act [220 ILCS 5/16-115(f)] except as noted. The requirements of this Subpart are in addition to the requirements of Subpart A. This Subpart applies to neither electric cooperatives nor ~~or~~ municipal systems making an election under Section 17-300 of the Act to become an alternative retail electric supplier nor to applicants filing under Section 16-115(e) of the Act seeking expedited certification to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more.

(Source: Amended at 24 Ill. Reg. 15971, effective OCT 15 2000)

Section 451.110 Financial Qualifications under Subpart B

~~a) The applicant shall execute and maintain a bond issued by a surety company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois in the amount of $30,000. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES. The cost of the bond shall be paid by the applicant. The applicant shall provide a copy of this bond as part of its application for certification.~~

ab) An applicant ~~seeking to provide electric power and energy that it generates with property, plant, and equipment that it owns, controls or operates~~ shall be deemed to possess sufficient financial capabilities to serve non-residential retail customers with maximum electrical demand of one megawatt or more if~~, in addition to meeting the requirement described in subsection (a),~~ the applicant meets any of the following criteria:

1) The applicant maintains at least one of the following commercial paper ratings: A3-~~2~~ or higher from Standard & Poor's or its successor, P3-~~2~~ or higher from Moody's Investors Service or its successor, D3-~~2~~ or higher from Duff & Phelps or its successor, or F3-~~2~~ or higher from Fitch IBCA or its successor; or at least one

of the following long-term credit ~~bond~~ ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present the ~~these~~ ratings of the applicant.

2) The applicant maintains ~~has~~ a borrowing agreement with an affiliate that has at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ~~bond~~ ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The amount of credit available to the applicant under the borrowing agreement shall be no less than the greater of $500,000 or 5% of the amount of the applicant's revenue for its most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements that have received an accountant's report that certifies those financial statements to be free of material misstatement. The borrowing agreement shall be valid for a period of not less than one year. The applicant shall provide a copy of the following:
 A) The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement; ~~and~~
 B) The borrowing agreement;
 C) The applicant's certified financial statements; and
 D) The accountant's report for the applicant's certified financial statements.

3) The obligations of the applicant arising from the acquisition of electric energy, and the fuel required to produce electric energy, for sale, lease or in exchange for other value received, or from the delivery or furnishing of electric power or energy to one or more retail customers, are covered under an unconditional guarantee, payment bond, or letter of credit in an amount that is no less than the greater of $500,000 or 5% of the amount of the applicant's revenue from the sale of electric energy for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements that have received an accountant's report that certifies those financial statements to be free of material misstatement. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year. ~~have--been unconditionally--guaranteed-by-an-affiliate-of-the-applicant-that~~

~~maintains-at-least-one-of-the-following-commercial-paper-ratings:--A-2-or-higher-from-Standard-&-Poor's-or--its--successor,--P-2--or-higher--from--Moody's--Investors-Service-or-its-successor,-D-2-or-higher-from-Duff-&-Phelps-or-its-successor,-or-F-2-or-higher-from-Fitch-IBCA-or-its-successor;-or-at-least--one--of--the--following-long-term-bond-ratings:--BBB--or-higher-from-Standard-&-Poor's-or-its--successor,--Baa3-or-higher-from-Moody's-Investors-Service-or-its--successor,--BBB---or--higher--from--Duff--&--Phelps--or--its-successor,-or-BBB--or-higher-from-Fitch-IBCA--or--its--successor.--The-applicant-shall-provide-a-copy-of-the-following:~~

~~A) The---ratings--reports--that--present--the--ratings--of--the-affiliate;-and~~

~~B) The-guarantee.~~

A) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:
 i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;
 ii) The unconditional guarantee;
 iii) The certified financial statements of the applicant; and
 iv) The accountant's report for the certified financial statements of the applicant.

B) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:
 i) The payment bonds;
 ii) The certified financial statements of the applicant; and
 iii) The accountant's report for the certified financial statements of the applicant.

C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:
 i) The letter of credit;

ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;

iii) The certified financial statements of the applicant; and

iv) The accountant's report for the certified financial statements of the applicant.

D) This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.

4) The applicant certifies that it will offer to reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply such energy. The applicant's prospective obligation to reimburse Illinois retail customers shall be covered by an unconditional guarantee, payment bond, or letter of credit. Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times an estimate of the maximum number of megawatts the applicant expects to schedule over the next twelve months times the average of the 45 highest daily market prices of electric energy traded during the previous year. Each January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.

A) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;

ii) The unconditional guarantee; and

iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois. The applicant shall provide a copy of the following:

i) The payment bonds;

ii) The authorization for the qualifying surety to transact business in the State of Illinois; and

iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i) The letter of credit;

ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and

iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

5~~4~~) The applicant maintains a ~~A~~-line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. ~~in an amount equal to the greater of: A)~~ The amount of the line of credit or revolving credit agreement shall be no less than the greater of $500,000 or 5% ~~lesser of at least five percent~~ of the amount of revenue for the most recently completed fiscal year. ~~last 12 month period or at least two percent of the amount of gross plant~~ That amount of revenue must appear in ~~shown on~~ the applicant's certified ~~last~~ financial statements that have received an accountant's report~~, as defined in 17 CFR 210.1-02, 210.2-01 and 210.2-02 as of April 1, 1998~~, that certifies those financial statements to be free of material misstatement. The line of credit or revolving credit agreement shall be valid for a period of not less than one year. The applicant shall provide a

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copy of the following:

A~~i~~) The line of credit or revolving credit agreement;

B~~ii~~) The ~~Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA~~ ratings agency report that presents the long-term obligation ~~debt security~~ rating of the financial institution extending the credit;

C~~iii~~) The applicant's ~~Its~~ certified financial statements~~, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998~~; and

D~~iv~~) The accountant's report for the applicant's financial statements. ~~, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998, or~~

~~B) At least two percent of the estimated cost to place the plant, property and equipment in service with which the applicant intends to provide electric power and energy. The applicant shall provide a copy of the following:~~

~~i) The estimated cost to place the plant, property and equipment in service; and~~

~~ii) A document showing the cost of other generating facilities similar in nature and size to the plant, property and equipment with which the applicant intends to provide electric power and energy; and~~

~~iii) A copy of all agreements to provide a line of credit or revolving credit to the applicant.~~

6) The applicant earns 12 points on the financial ratios set forth in subsection (6)(A):

A) Financial Ratios

i) Pre-Tax Interest Coverage (rounded to the nearest 0.1)

4.0 or above: 5 points
3.5 to 3.9: 4 points
3.0 to 3.4: 3 points
2.5 to 2.9: 2 points
2.0 to 2.4: 1 point
1.9 or below: 0 points

ii) Funds from Operations Interest Coverage (rounded to the nearest 0.1)

4.5 or above: 5 points
4.0 to 4.4: 4 points
3.5 to 3.9: 3 points
3.0 to 3.4: 2 points
2.5 to 2.9: 1 point
2.4 or below: 0 points

iii) Funds from Operations to Total Debt (rounded to the nearest 1%)

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31% or above: 5 points
26% to 30%: 4 points
21% to 25%: 3 points
16% to 20%: 2 points
11% to 15%: 1 point
10% or below: 0 points

iv) Total Debt to Total Capital (rounded to the nearest 1%)

57% or below: 5 points
58% to 60%: 4 points
61% to 63%: 3 points
64% to 66%: 2 points
67% to 69%: 1 point
70% or above: 0 points

B) The applicant shall provide the following:

i) The applicant's certified financial statements for its most recently completed fiscal year;

ii) The accountant's report for the applicant's certified financial statements; and

iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.

b) An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year. The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least $100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A- or better and Best's financial sizes of VII or larger.

~~c) An applicant that seeks to provide electric power and energy with property, plant, and equipment that it does not own, control, or operate shall be deemed to possess sufficient financial resources to be certified as an ARES to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more if, in addition to meeting the requirement in subsection (a), it meets any of the following criteria:~~

~~1) The criterion described in subsection (b)(1) of this Section;~~

~~2) The criterion described in subsection (b)(2) of this Section;~~

~~3) The criterion described in subsection (b)(3) of this Section;~~

~~4) A line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A or higher from Standard & Poor's or its successor, A3 or higher from~~

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~~Moody's Investors Service or its successor, A or higher from Duff & Phelps or its successor, or A or higher from Fitch IBCA or its successor in an amount equal to at least five percent of the amount of revenue for the last 12 month period shown on the applicant's last financial statements that have received an accountant's report, as defined in 17 CFR 210.1-02, 210.2-01 and 210.2-02 as of April 1, 1998, that certifies those financial statements to be free of material misstatement. The applicant shall provide a copy of the following:~~

~~A) The line of credit or revolving credit agreement;~~

~~B) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit;~~

~~C) Its certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and~~

~~D) The accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998.~~

~~d) No incorporation of the Code of Federal Regulations in this Section 451.110 includes any later amendment or edition.~~

(Source: Amended at 24 Ill. Reg. 15971, effective _____)

Section 451.120 Technical Qualifications under Subpart B

a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve nonresidential retail customers with maximum electrical demand of one megawatt or more if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed and whose technical staff's minimum total four years of previous experience include at least two years demonstrated electric sales and at least two years operational experience. In addition, an applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall demonstrate its ability to provide, or that it has arranged to provide, a scheduling facility with 24 hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.

b) Any other applicant shall be deemed to possess sufficient technical capabilities to serve nonresidential retail customers with maximum electrical demand of one megawatt or more if it has staff with 2 years demonstrated electric sales and 2 years operational experience and provides, or has arranged to provide, a scheduling facility with 24 hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.

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(Source: Amended at 24 Ill. Reg. 15971, effective _____)

Section 451.130 Managerial Qualifications under Subpart B

An applicant shall be deemed to possess sufficient managerial capabilities to serve nonresidential retail customers with maximum electrical demands of one megawatt or more if it has one or more management persons with three or more years of experience in a management position with a business enterprise.

a) The applicant shall include in its application an exhibit containing occupational background information on the persons or agents who are being used to meet the requirements of this Section.

b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicate the position of the persons or agents who are being used to meet the requirements of this Section.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.140 Qualifications of Agents and Contractors under Subpart B

An applicant may meet the requirements of Sections 451.120 and 451.130 by entering into one or more contracts with others to provide the required services, provided that:

a) Each agent and contractor on whom the applicant relies to meet Section 451.120 or 451.130 is disclosed in the application;

b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.150 Commission Order in Expedited Proceedings under Subpart B

The Commission shall issue an order granting or denying an application filed under this Subpart B within 45 days after the date on which a complete application has been filed with the Commission and ~~, or the date on which the~~ notice of the application's filing is published in the Official State Newspaper as provided by the Notice by Publication Act [715 ILCS 5]~~, whichever is later~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 451.160 Confidential Documentation (Repealed)

~~If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Clerk of the Illinois Commerce Commission. The applicant is required to explain why such information is entitled to such protection in a supporting document pursuant to Section 451.30(d)(1). The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.~~

(Source: Repealed at 24 Ill. Reg. [illegible], effective [illegible])

SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL CONSUMPTION GREATER THAN 15,000 kWh

Section 451.220 Financial Qualifications under Subpart C

a) ~~The applicant shall execute and maintain a bond issued by a surety company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois in the amount of $30,000 if the applicant seeks to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more or $150,000 if the applicant seeks to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES. The cost of the bond shall be paid by the applicant. The applicant shall provide a copy of this bond as part of its application for certification. b)~~ An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve only nonresidential retail customers with annual electrical consumption in excess of 15,000 kilowatt hours if it meets any of the following criteria:

1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ~~bond~~ ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present ~~the~~ these ratings of the applicant.

2) The applicant maintains ~~has~~ a borrowing agreement with an affiliate that has at least one of the following commercial paper

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ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ~~bond~~ ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The amount of credit available to the applicant under the borrowing agreement shall be no less than the greater of $750,000 or 7.5% of the amount of the applicant's revenue for its most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements that have received an accountant's report that certifies those financial statements to be free of material misstatement. The borrowing agreement shall be valid for a period of not less than one year. The applicant shall provide a copy of the following:

A) The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement; ~~and~~

B) The borrowing agreement;~~.~~

C) The applicant's certified financial statements; and

D) The accountant's report for the applicant's certified financial statements.

3) The obligations of the applicant arising from the acquisition of electric energy, and the fuel required to produce electric energy, for sale or lease or in exchange for other value received, or from the delivery or furnishing of electric power or energy to one or more retail customers, are covered under an unconditional guarantee, payment bond, or letter of credit in an amount that is no less than the greater of $750,000 or 7.5% of the amount of the applicant's revenue from the sale of electric energy for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements that have received an accountant's report that certifies those financial statements to be free of material misstatement. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year. ~~have been unconditionally guaranteed by an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB or higher from Duff & Phelps or its successor, or BBB or higher from Fitch IBCA or its~~

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~~successor. The applicant shall provide a copy of the following:~~

A) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i) ~~A)~~ The ratings agency reports that present the ratings of the affiliate that is the guarantor; ~~and~~

ii) ~~B)~~ The unconditional guarantee; ~~.~~

iii) The applicant's certified financial statements; and

iv) The accountant's report for the certified financial statements of the applicant.

B) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:

i) The payment bonds;

ii) The certified financial statements of the applicant; and

iii) The accountant's report for the certified financial statements of the applicant.

C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i) The letter of credit;

ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;

iii) The certified financial statements of the applicant; and

iv) The accountant's report for the certified financial statements of the applicant.

D) This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.

4) The applicant certifies that it will offer to reimburse its

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Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply such energy. The applicant's prospective obligation to reimburse Illinois retail customers shall be covered by an unconditional guarantee, payment bond, or letter of credit. Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times an estimate of the maximum number of megawatts the applicant expects to schedule over the next twelve months times the average of the 45 highest daily market prices of electric energy traded during the previous year. Each January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.

A) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;

ii) The unconditional guarantee; and

iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois. The applicant shall provide a copy of the following:

i) The payment bonds;

ii) The authorization for the qualifying surety to transact business in the State of Illinois; and

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iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i) The letter of credit;

ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and

iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

54) The applicant maintains ~~has~~ a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The ~~in an~~ amount of the line of credit or revolving credit agreement shall be no less than the greater of $750,000 or ~~equal to at least~~ 7.5% of the amount of the applicant's revenue for the most recently completed fiscal year. ~~last 12 month period shown on the applicant's last~~ That amount of revenue must appear in the applicant's certified financial statements that have received an accountant's report~~, as defined in 17 CFR 210.1-02, 210.2-01 and 210.2-02 as of April 1, 1998,~~ that certifies those financial statements to be free of material misstatement. The line of credit or revolving credit agreement shall be valid for a period of not less than one year. The applicant shall provide a copy of the following:

A) The line of credit or revolving credit agreement;

B) The ~~Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA~~ ratings agency report that presents the long-term obligation ~~debt security~~ rating of the financial institution extending the credit;

C) The applicant's ~~its~~ certified financial statements~~, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998~~; and

D) The accountant's report for the applicant's certified financial statements~~, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998~~.

6) The applicant earns 12 points on the financial ratios set forth in subsection (6)(A):

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A) Financial Ratios

i) Pre-Tax Interest Coverage (rounded to the nearest 0.1)

4.4 or above: 5 points
3.9 to 4.3: 4 points
3.4 to 3.8: 3 points
2.9 to 3.3: 2 points
2.4 to 2.8: 1 point
2.3 or below: 0 points

ii) Funds from Operations Interest Coverage (rounded to the nearest 0.1)

4.9 or above: 5 points
4.4 to 4.8: 4 points
3.9 to 4.3: 3 points
3.4 to 2.8: 2 points
2.9 to 3.3: 1 point
2.8 or below: 0 points

iii) Funds from Operations to Total Debt (rounded to the nearest 1%)

38% or above: 5 points
33% to 37%: 4 points
28% to 32%: 3 points
23% to 27%: 2 points
18% to 22%: 1 point
17% or below: 0 points

iv) Total Debt to Total Capitalization (rounded to the nearest 1%)

50% or below: 5 points
51% to 53%: 4 points
54% to 56%: 3 points
57% to 59%: 2 points
60% to 62%: 1 point
63% or above: 0 points

B) The applicant shall provide the following:

i) The applicant's certified financial statements for its most recently completed fiscal year;

ii) The accountant's report for the applicant's certified financial statements; and

iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the

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calculation.

~~c) An applicant that will engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (b) of this Section may demonstrate it has sufficient financial resources for the services for which it seeks a certificate of service authority if it has a line of credit or revolving credit agreement from a financial institution with a long term obligation rating of A or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A or higher from Duff & Phelps or its successor, or A or higher from Fitch IBCA or its successor. If the amount of the line of credit or revolving credit agreement is of insufficient size or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:~~

~~1) An explanation of why it does not meet any of the criteria set forth in subsection (b);~~

~~2) The amount of its line of credit or revolving credit agreement;~~

~~3) An explanation of why the amount of its line of credit or revolving credit agreement is sufficient for the services for which it seeks a certificate of service authority and how its supporting documentation demonstrates that sufficiency;~~

~~4) The line of credit or revolving credit agreement;~~

~~5) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit; and~~

~~6) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998, and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:~~

~~A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;~~

~~B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);~~

~~C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;~~

~~D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;~~

~~E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;~~

~~F) A projected budget for the next three fiscal years following the current year; and~~

~~G) If available:~~

~~i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;~~

~~ii) The most recent federal and state income tax return; and~~

~~iii) General ledgers for the most recent 12 month period available.~~

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b~~d~~) An applicant~~, such as an aggregator or power marketer, that will not engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers~~ that does not either meet or qualify for certification under any of the criteria set forth in subsection (a) ~~(b)~~ shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it seeks to ~~will~~ provide. If the applicant's financial resources are not sufficient for the services it seeks to ~~will~~ provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:

1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it seeks to ~~will~~ provide; and

2) The applicant's certified financial statements~~, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998~~, and accountant's report~~, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998~~. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:

A) A balance sheet that reflects the applicant's current financial condition and ~~at the date of application that~~ includes a statement of assets, liabilities and owner's equity;

B) An income statement that reflects the applicant's current

earnings. ~~at the date of application (~~If the applicant has not yet started operations, it shall provide a projected income statement ~~if entity has not yet started operations)~~;

C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;

D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;

E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;

F) A projected budget for the next three fiscal years following the current year; and

G) If available:

i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;

ii) The most recent federal and state income tax return; ~~and~~

iii) General ledgers for the most recent 12 month period available; ~~and~~

iv) The applicant's Dun & Bradstreet Business Information Report.

c) An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.

1) The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least $100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A- or better and Best's financial sizes of VII or larger.

2) Applicants having commercial general liability insurance coverage in an amount that is less than $100,000,000 shall explain why that insurance is sufficient for the coverage of losses caused by any act or omission of the applicants or of their employees, contractors, or other agents, in the conduct of the applicants' business. If the applicant's insurance coverage is deemed insufficient or if the documents it supplies do not otherwise establish that the applicant possesses adequate insurance coverage, the Commission shall deny granting a certificate of service authority. With its explanation, the applicant shall describe the factors it considered in establishing the amount of its commercial general liability insurance coverage. In addition, the applicant shall describe the age, capacity, and fuel of the electric power production plant and the amount of its annual revenues and assets and number of employees.

(Source: Amended at 24 Ill. Reg. 15971, effective _____)

Section 451.230 Technical Qualifications under Subpart C

a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed, and meets the criteria in subsections (b) and (c) of this Section.

b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has individuals on its staff with demonstrated two years electric sales experience, two years electric system operational experience, three months experience with OASIS reservation processes, three months experience with NERC or its successor tagging processes, and one years experience working with rules and practices established by NERC and MAIN and/or MAPP or their successors and provides, or has arranged to provide, the following:

1) A scheduling facility with 24 hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and

2) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.

c) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.

d) In the event the applicant does not meet length of experience qualifications set forth in this Section, the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

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(Source: Amended at 24 Ill. Reg. 15971, effective _____)

Section 451.260 Commission Order in Proceedings under Subpart C

The Commission shall issue an order granting or denying an application filed under this Subpart C within 45 days after the date on which a complete application has been properly filed with the Commission and ~~,--or--the--date--on which--the~~ notice of the application's filing is published in the Official State Newspaper as provided by the Notice by Publication Act [715 ILCS 5]~~,--whichever is--later~~.

(Source: Amended at 24 Ill. Reg. 15971, effective _____)

Section 451.270 Confidential Documentation under Subpart C (Repealed)

~~If--any--of--the--information--to--be--disclosed--is--privileged--or--confidential,--the applicant--should--designate--which--information--is--privileged--and--confidential. Such--information--shall--be--marked--as--"confidential"--and--submitted--separately under--seal--to--the--Clerk--of--the--Illinois--Commerce--Commission.--Applicant--is required--to--explain--why--such--information--is--entitled--to--such--protection--in--a supporting--document--pursuant--to--Section--451.30(d)(1).--The--determination--of whether--such--information--is--entitled--to--such--protection--will--be--ruled--upon--by the--Commission--in--conjunction--with--its--determination--of--the--certification.~~

(Source: Repealed at 24 Ill. Reg. 15971, effective _____)

SUBPART D: PROCEDURES FOR APPLICANTS SEEKING TO SERVE ALL RETAIL CUSTOMERS ~~INCLUDING--SMALL--COMMERCIAL--RETAIL--CUSTOMERS--BUT~~ EXCLUDING RESIDENTIAL CUSTOMERS

Section 451.320 Financial Qualifications under Subpart D

a) ~~The--applicant--shall--execute--and--maintain--a--bond--issued--by--a--surety company--authorized--to--transact--business--in--the--State--of--Illinois--in favor--of--the--People--of--the--State--of--Illinois--in--the--amount--of $300,000.--The--bond--shall--be--conditioned--upon--the--full--and--faithful performance--of--all--duties--and--obligations--of--the--applicant--as--an--ARES. The--cost--of--the--bond--shall--be--paid--by--the--applicant.--The--applicant shall--provide--a--copy--of--this--bond--as--part--of--its--application--for certification.--b)~~ An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve only non-residential customers if it meets any of the following criteria:

1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ~~bond~~ ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide with its application a copy of the ratings agency reports that present ~~the~~ these ratings of the applicant.

2) The applicant maintains ~~has~~ a borrowing agreement with an affiliate that has at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ~~bond~~ ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The amount of credit available to the applicant under the borrowing agreement shall be no less than the greater of $1,000,000 or 10% of the amount of the applicant's revenue for its most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements that have received an accountant's report that certifies those financial statements to be free of material misstatement. The borrowing agreement shall be valid for a period of not less than one year. The applicant shall provide a copy of the following:
 A) The ratings agency reports that present the ratings of the affiliate with which the applicant maintains the borrowing agreement; and
 B) The borrowing agreement;~~.~~
 C) The applicant's certified financial statements; and
 D) The accountant's report for the applicant's certified financial statements.

3) The obligations of the applicant arising from the acquisition of electric energy, and the fuel required to produce electric energy, for sale or lease or in exchange for other value received, or from the delivery or furnishing of electric power or energy to one or more retail customers, are covered under an unconditional guarantee, payment bond, or letter of credit in an amount that is no less than the greater of $1,000,000 or 10% of the amount of the applicant's revenue from the sale of electric energy for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements that have received an accountant's report that certifies those financial statements to be free of material misstatement. The unconditional guarantee, payment bond, or

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letter of credit shall be valid for a period of not less than one year. ~~have been unconditionally guaranteed by an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, B-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB or higher from Duff & Phelps or its successor, or BBB or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:~~

A) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i~~A~~) The ratings agency reports that present the ratings of the affiliate that is the guarantor; ~~and~~

ii~~B~~) The unconditional guarantee;~~.~~

iii) The applicant's certified financial statements; and

iv) The accountant's report for the certified financial statements of the applicant.

B) Payment Bond. An applicant using a payment bond or payment bonds shall provide a copy of the following:

i) The payment bonds;

ii) The certified financial statements of the applicant; and

iii) The accountant's report for the certified financial statements of the applicant.

C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i) The letter of credit;

ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit;

iii) The certified financial statements of the applicant; and

iv) The accountant's report for the certified financial statements of the applicant.

D) This option is only available to an applicant that will engage in activities that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers.

4) The applicant certifies that it will offer to reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of the applicant's failure to comply with a contractual obligation to supply such energy. The applicant's prospective obligation to reimburse Illinois retail customers shall be covered by an unconditional guarantee, payment bond, or letter of credit. Any dollar limitation on the unconditional guarantee, payment bond, or letter of credit shall equal not less than the product of 1080 times an estimate of the maximum number of MW the applicant expects to schedule over the next twelve months times the average of the 45 highest daily market prices of electric energy traded during the previous year. Each January, the Commission shall choose a published price index for electricity for use in this subsection (a)(4). The daily market price of electric energy shall equal the published price index for electricity traded in Illinois, except in the event that no price index for electricity traded in the State of Illinois is published, then the daily market price of electricity shall be determined by the use of a published price index for electricity traded at the nearest location to the State of Illinois. The unconditional guarantee, payment bond, or letter of credit shall be valid for a period of not less than one year.

A) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

i) The ratings agency reports that present the ratings of the affiliate that is the guarantor;

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ii) The unconditional guarantee; and
iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

B) Payment Bond. The payment bond or payment bonds shall be issued by a qualifying surety authorized to transact business in the State of Illinois. The applicant shall provide a copy of the following:
i) The payment bonds;
ii) The authorization for the qualifying surety to transact business in the State of Illinois; and
iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

C) Letter of Credit. The letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:
i) The letter of credit;
ii) The ratings agency report that presents the long-term obligation rating of the financial institution extending the credit; and
iii) A good faith estimate of the peak amount of MW the applicant will schedule during the remainder of the current calendar year.

54) The applicant maintains ~~has~~ a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The ~~in an~~ amount of the line of credit or revolving credit agreement shall be no less than the greater of $1,000,000 or ~~equal to at least~~ 10% of the amount of the applicant's revenue for the ~~last 12 month period shown on the applicant's last~~ most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements that have received an accountant's report~~, as defined in 17 CFR 210.1-02, 210.2-01 and 210.2-02 as of April 1, 1998~~, that certifies those financial statements to be free of material misstatement. The line of credit or revolving credit agreement shall be valid for a period of not less than one year. The applicant shall provide a copy of the following:
A The line of credit or revolving credit agreement;
B) The ~~Standard & Poor's, Moody's Investment Service, Duff &~~

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~~Phelps or Fitch IBCA~~ ratings agency report that presents the long-term obligation ~~debt security~~ rating of the financial institution extending the credit;
C) The applicant's ~~its~~ certified financial statements~~, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998~~; and
D) The accountant's report for the applicant's certified financial statements ~~, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998~~.

6) The applicant earns 12 points on the financial ratios set forth in subsection (6)(A):
A) Financial Ratios
i) Pre-Tax Interest Coverage (rounded to the nearest 0.1)

4.9 or above: 5 points
4.4 to 4.8: 4 points
3.9 to 4.3: 3 points
3.4 to 3.8: 2 points
2.9 to 3.3: 1 point
2.8 or below: 0 points

ii) Funds from Operations Interest Coverage (rounded to the nearest 0.1)

5.4 or above: 5 points
4.9 to 5.3: 4 points
4.4 to 4.8: 3 points
3.9 to 4.3: 2 points
3.4 to 3.8: 1 point
2.9 or below: 0 points

iii) Funds from Operations to Total Debt (rounded to the nearest 1%)

45% or above: 5 points
40% to 44%: 4 points
35% to 39%: 3 points
30% to 34%: 2 points
25% to 29%: 1 point
24% or below: 0 points

iv) Total Debt to Total Capitalization (rounded to the nearest 1%)

41% or below: 5 points
42% to 44%: 4 points
45% to 47%: 3 points
48% to 50%: 2 points

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51% to 53%: 1 point
54% or above: 0 points

B) The applicant shall provide the following:

i) The applicant's certified financial statements for its most recently completed fiscal year;

ii) The accountant's report for the applicant's certified financial statements; and

iii) A schedule showing the calculation of each financial ratio with a reference to the applicant's certified financial statements provided for each input of the calculation.

~~c) An applicant that will engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (b) of this Section may demonstrate it has sufficient financial resources for the services for which it seeks a certificate of service authority if it has a line of credit or revolving credit agreement from a financial institution with a long term obligation rating of A or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A or higher from Duff & Phelps or its successor, or A or higher from Fitch IBCA or its successor. If the amount of the line of credit or revolving credit agreement is of insufficient size or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:~~

~~1) An explanation of why it does not meet any of the criteria set forth in subsection (b);~~

~~2) The amount of its line of credit or revolving credit agreement;~~

~~3) An explanation of why the amount of its line of credit or revolving credit agreement is sufficient for the services for which it seeks a certificate of service authority and how its supporting documentation demonstrates that sufficiency;~~

~~4) The line of credit or revolving credit agreement;~~

~~5) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit; and~~

~~6) The applicant's certified financial statements, as defined in 17 CFR 210.1 02 and 210.3 01 to 210.3 05 as of April 1, 1998; and accountant's report, as defined in 17 CFR 210.1 02 and 210.2 02 as of April 1, 1998. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:~~

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~~A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;~~

~~B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);~~

~~C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;~~

~~D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;~~

~~E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;~~

~~F) A projected budget for the next three fiscal years following the current year; and~~

~~G) If available:~~

~~i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;~~

~~ii) The most recent federal and state income tax return; and~~

~~iii) General ledgers for the most recent 12 month period available.~~

bd) An applicant ~~such as an aggregator or power marketer, that will not engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers~~ that does not either meet or qualify for certification under any of the criteria set forth in subsection (a) ~~(b)~~ shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it seeks to ~~will~~ provide. If the applicant's financial resources are not sufficient for the services it seeks to ~~will~~ provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:

1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it seeks to ~~will~~ provide; and

2) The applicant's certified financial statements~~, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998, and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998~~. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:

A) A balance sheet that reflects the applicant's current financial condition and ~~at the date of application that~~ includes a statement of assets, liabilities and owner's equity;

B) An income statement that reflects the applicant's current earnings. ~~at the date of application (~~ If the applicant has not yet started operations, it shall provide a projected income statement ~~if entity has not yet started operations)~~;

C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;

D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;

E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;

F) A projected budget for the next three fiscal years following the current year; and

G) If available:

i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;

ii) The most recent federal and state income tax return; ~~and~~

iii) General ledgers for the most recent 12 month period available; ~~and~~

iv) The applicant's Dun & Bradstreet Business Information Report.

c) An applicant that will provide electric power and energy with property, plant, and equipment that it owns, controls, or operates shall have in force, and provide proof that it has in force, general liability insurance that shall remain in effect for a period of not less than one year.

1) The applicant shall be deemed to have sufficient commercial general liability insurance if that coverage is in the amount of at least $100,000,000. The commercial general liability insurance must be maintained with insurance companies assigned Best's ratings of A- or better and Best's financial sizes of VII or larger.

2) Applicants having commercial general liability insurance coverage in an amount that is less than $100,000,000 shall explain why that insurance is sufficient for the coverage of losses caused by any act or omission of the applicants or of their employees, contractors, or other agents, in the conduct of the applicants' business. If the applicant's insurance coverage is deemed insufficient or if the documents it supplies do not otherwise establish that the applicant possesses adequate insurance coverage, the Commission shall deny granting a certificate of service authority. With its explanation, the applicant shall describe the factors it considered in establishing the amount of its commercial general liability insurance coverage. In addition, the applicant shall describe the age, capacity, and fuel of electric power production plant and the amount of its annual revenues and assets and number of employees.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.360 Commission Order in Proceedings under Subpart D

The Commission shall issue an order granting or denying an application filed under this Subpart D within 45 days after the date on which a complete application has been filed with the Commission and ~~, or the date on which the~~ notice of the application's filing is published in the Official State Newspaper as provided by the Notice by Publication Act [715 ILCS 5]~~, whichever is later~~, provided that the Commission can extend the time for considering an application filed under this Subpart D by up to 90 days, and can schedule a hearing on such an application. The Commission shall extend the time for considering an application and schedule a hearing if:

a) The applicant has proposed limitations on the number of customers or the amount of load to be served;

b) A party to the application proceeding has formally requested that the Commission hold hearings in a pleading that contains a verified prima facie showing that one or more of the allegations or certifications in the application is false or misleading; or

c) Other facts or circumstances exist that will necessitate additional time or evidence in order to determine whether a certificate should be issued.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.370 Confidential Documentation under Subpart D (Repealed)

~~If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is privileged and confidential.~~

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~~Such information shall be marked as "confidential" and submitted separately under seal to the Clerk of the Illinois Commerce Commission. Applicant is required to explain why such information is entitled to such protection in a supporting document pursuant to Section 451.30(d)(1). The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.~~

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS

Section 451.440 Commission Order in Proceedings under Subpart E

The Commission shall issue an order granting or denying an application filed under this Subpart E within 45 days after the date on which a complete application has been properly filed with the Commission and~~, or the date on which the~~ notice of the application's filing is published in the Official State Newspaper as provided by the Notice by Publication Act [715 ILCS 5]~~, whichever is later~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.450 Confidential Documentation under Subpart E (Repealed)

~~If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Clerk of the Illinois Commerce Commission. Applicant is required to explain why such information is entitled to such protection in supporting documentation filed with the application. The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.~~

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

SUBPART F: FINANCIAL QUALIFICATIONS FOR THE PROVISION OF SINGLE-BILLING SERVICE

Section 451.500 Applicability of Subpart F

The requirements of this Subpart are in addition to the requirements of Subpart A. This Subpart does not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act to become an alternative retail electric supplier ~~seeking expedited certification to serve only~~

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~~nonresidential retail customers with maximum electrical demands of one megawatt or more.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.510 Financial Qualifications under ~~of~~ Subpart F

An applicant may request authorization from the Commission to provide single billing services at the time it seeks certification as an ARES or at any time thereafter. However, under no circumstances may an ARES provide single billing services without authorization from the Commission. An applicant that seeks ~~intends~~ to provide single billing services shall demonstrate an ~~its~~ ability to establish and maintain sufficient financial resources to satisfy the obligation to remit to utilities monies that the ARES collects under single billing tariffs adopted pursuant to Section 16-118(b) of the Act [220 ILCS 5/16-118(b)] ~~at such time the applicant applies to provide that service~~. The applicant for single billing services may demonstrate this creditworthiness in one of four ways:

a) The applicant may undertake to post and maintain a bond or bonds issued by a qualifying surety or financial institution chartered by the United States or the State of Illinois in favor of any Illinois utility in whose service territory the applicant will serve retail customers. The bond or bonds shall be in an amount equal to 15% of a good faith estimate of the total amount that the applicant expects to be obliged to pay to the utility under single billing tarrifs adopted pursuant to Section 16-118(b) of the Act during the next twelve months. The applicant shall provide a copy of the bonding agreement(s) and the bond(s) to the Commission with the application ~~at such time the applicant applies~~ to provide single billing service. The bond(s) shall be conditioned on the full and timely payment of all amounts due to the utility in accordance with the terms specified in the single billing tarrifs and shall be valid for a period of not less than one year. ~~The applicant shall post the bond(s) with the utility within 10 days after being certified to provide single billing service, and a replacement bond, in the amount specified above, shall be filed with the Commission every three months thereafter.~~

b) The applicant may deliver an irrevocable letter of credit issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor in the same amount and in favor of the same parties as the bond that would otherwise be required. The letter of credit shall provide that a draft will be honored in accordance with the terms specified in the single billing tariffs. The ~~initial~~ letter of credit shall be valid for a period of not less than one year ~~after the date on which the applicant begins to provide single billing service and it~~

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~~shall--be-renewed-or-replaced-thereafter-every-3-months-so-long-as-the ARES-remains-certified.~~ The applicant shall provide a copy ~~proposed form~~ of the letter of credit and the ratings agency reports that present the long-term obligation ratings of the issuer of the letter of credit to the Commission with the application to provide single billing service. ~~shall-be-filed-at-such-a-time-the--applicant--applies to-provide-single-billing-service.~~

c) The applicant maintains at least 2 of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least two of the following long-term credit ~~bond~~ ratings: BBB- or higher from Standard & Poor's or it successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher Fitch IBCA or its successor. The applicant shall provide a copy of the ratings agency reports that present applicant's ~~these~~ ratings to the Commission with its application ~~at-such-time-the-applicant-applies~~ to provide single billing service ~~and--shall--file--an--updated--ratings report-with-the-Chief-Clerk-of-the-Commission-not-less-than-once-every 3-months.~~

d) All ~~The~~ obligations of the applicant to Illinois utilities are ~~have been~~ unconditionally guaranteed by an affiliate of the applicant that maintains at least two of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor or F-2 or higher from Fitch IBCA or its successor; or at least two of the following long-term credit ~~bond~~ ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The unconditional guarantee shall be valid for a period of not less than one year. The applicant shall provide a copy of the ratings agency reports ~~report~~ that presents these ratings of the affiliate and a copy of the guarantee to the Commission with its application ~~at-such-time-the-applicant-applies-to provide-single-billing-service--and--shall--file--an--updated--ratings report-with-the-Chief-Clerk-of-the-Commission-not-less-than-once-every 3-months.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART H: PROCEDURES FOR REPORTING CONTINUING COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section 451.700 Applicability of Subpart H

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The requirements of this Subpart are in addition to the requirements of Subpart A. This Subpart does not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act to become an alternative retail electric supplier.

(Source: Added at 24 Ill. Reg. 15241, effective _____)

Section 451.710 General Provisions

a) All ARES shall continue to remain in compliance with the provisions of the Act and this Part, as now or hereafter amended. If an ARES received a certificate before the effective date of any provision of this Part, which provision applies to applicants seeking certification to serve customers with the same electrical demand or usage characteristics as the ARES, the ARES must demonstrate that it has come into compliance with such provision no later than January 31 of the year following the year during which such amendment took effect.

b) All reports required under this Subpart shall be under oath and shall be filed with the Chief Clerk of the Commission with copies provided to the Manager of the Energy Division and the Manager of the Financial Analysis Division or their successors. The reports shall be identified with the name of the ARES as it appears in the most recent Commission order granting the ARES certification.

c) All reports made to the Commission by any ARES and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission. Such reports shall be preserved in the office of the Commission.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 451.720 Erroneous or Defective Reports

a) When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission may notify the ARES to amend that report within 30 days, and before or after the termination of the period the Commission may examine the officers, agents, or employees, and books, records, accounts, vouchers, plant, equipment and property of the ARES, and correct items in the report the Commission finds defective or erroneous.

b) Any ARES that fails to make and file any report required by the Commission within the time specified, or to specifically answer any question propounded by the Commission within 30 days after the time it is lawfully required to do so, or within such further time, not to exceed 90 days, as may in its discretion be allowed by the Commission, shall, after notice and hearing forfeit its certificate.

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 451.730 Certification of Compliance with Section 16-115(d)(5) of the Act

The ARES shall annually certify that it complies with the requirements of Section 16-115(d)(5) of the Act during January of each year after its certification. The applicant shall provide the following along with its certification:

a) The ARES' name and street address;
b) The ARES' Federal Employer Identification Number (FEIN); and
c) Names and addresses of all of the ARES' affiliated companies involved in electric retail sales or purchases in North America.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 451.740 Financial Reporting Requirements

The ARES shall provide a copy of only those documents that the ARES requires to demonstrate that it continues to possess sufficient financial resources to serve the retail customers for which it has received a certificate of service authority. The applicable documents shall be submitted at the times specified below:

a) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(1), (a)(2), (a)(3)(A), (a)(3)(C), (a)(4)(A), (a)(4)(C), or (a)(5) of Section 451.110, 451.220, or 451.320 or Section 451.510(c) or (d) shall submit a copy of the latest ratings report presenting the commercial paper or long-term credit or obligation ratings of the ARES, creditors, affiliates, or guarantors, as applicable, from the ratings agencies between January 1 and January 31 of each year and within 15 days following any downgrade of such ratings previously filed with the Commission to a rating below A-1 or A-, if issued from Standard & Poor's or its successor, P-1 or A3, if issued from Moody's Investors Service or its successor, D-2 or A-, if issued from Duff & Phelps or its successor, or F-1 or A-, if issued from Fitch IBCA or its successor. Within 30 days after a downgrade of the commercial paper or long-term credit or obligation ratings of the ARES or its creditors, affiliates, or guarantors, as applicable, to a level below the minimum required under this Part, the ARES shall submit a report that identifies the subsection under which the ARES is seeking to demonstrate that its financial resources remain sufficient for providing the services for which it has received a certificate of service authority and includes the information and documents that subsection requires.

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b) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(2), (a)(3), (a)(4), or (a)(5) of Section 451.110, 451.220, or 451.320 or Section 451.510(a) or (b) shall submit a copy of any modified, replacement or additional borrowing agreements, unconditional guarantees, lines of credit, revolving credit agreements, payment bonds, and letters of credit, as applicable, shall be submitted at least 15 days in advance of any modification, cancellation or expiration of the financial agreements.

c) Between January 1 and January 31 of each year, an ARES that seeks to use the criteria specified in Section 451.110(a)(4), 451.220(a)(4), or 451.320(a)(4) to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority shall provide the peak amount of MW scheduled during the previous calendar year and the date on which that amount was scheduled. If the ARES has been serving Illinois retail customers for less than 12 months, then the ARES shall also provide an estimate of the maximum amount of MW it will schedule during the current calendar year.

d) Between January 1 and January 31 of each year, an ARES that seeks to demonstrate that it maintains sufficient financial resources to provide single billing services under Section 451.510(a) or (b) shall submit an updated good faith estimate of the amount the ARES expects to be obligated to remit to the utility under single billing tariffs adopted pursuant to Section 16-118(b) of the Act between January 1 and January 31 of each year.

e) An ARES that seeks to demonstrate that it maintains sufficient financial resources to provide the services for which it has received a certificate of service authority using the criteria set forth in subsection (a)(2), (a)(3), (a)(5), or (a)(6) of Section 451.110, 451.220, or 451.320 shall submit a copy of its certified financial statements and accountant's report, as applicable, within 120 days after the close of its fiscal year.

f) An ARES that seeks to maintain its certificate of service authority under Section 451.220(b) or 451.320(b) shall submit an updated version of the annual financial statements and accountant's report, if available, within 120 days after the close of its fiscal year.

g) Insurance. Between January 1 and January 31 of each year, an ARES required to have in force commercial general liability insurance pursuant to Sections 451.110(b), 451.220(c), or 451.320(c) shall submit proof of that insurance in an amount not less than that in force when the ARES was granted its certificate of service authority. In addition, the ARES shall demonstrate that its commercial general liability insurance is effective for a period of not less than one year.

(Source: Added at 24 Ill. Reg. _____, effective

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_____)

Section 451.750 Managerial Reporting Requirements

An ARES shall certify during January of each year that it continues to maintain the required managerial qualifications for the service authority granted in its certificate. An ARES that meets the managerial qualifications requirements by entering into one or more contracts with others to provide the required services must identify each agent or contractor on whom the ARES relies to meet the requirements of this Part and must certify that the agent or contractor will comply with all Sections of this Part applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 451.760 Technical Reporting Requirements

An ARES shall certify during January of each year that it continues to maintain the required technical qualifications for the service authority granted in its certificate. An ARES that meets the technical qualifications requirements by entering into one or more contracts with others to provide the required services must identify each agent or contractor on whom the ARES relies to meet the requirements of this Part and must certify that the agent or contractor will comply with all Sections of this Part applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 451.770 Kilowatt-hour Reporting Requirement

No later than March 1 of every year, each ARES shall file with the Chief Clerk of the Commission, and provide to the Energy Division or its successor, a report stating the total annual kilowatt-hours delivered and sold to retail customers within each utility service territory in the preceding calendar year.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Rules of Practice

2) Code Citation: 83 Ill. Adm. Code 200

3)

Section Numbers:	Adopted Action:
200.40	Amendment
200.60	Amendment
200.70	Amendment
200.80	Amendment
200.90	Amendment
200.100	Amendment
200.110	Amendment
200.120	Amendment
200.130	Amendment
200.150	Amendment
200.170	Amendment
200.180	Amendment
200.185	New Section
200.200	Amendment
200.360	Amendment
200.430	Amendment
200.540	Amendment
200.610	Amendment
200.625	Amendment
200.700	Amendment
200.710	Amendment
200.840	Amendment
200.860	Amendment
200.880	Amendment
200.1000	New Section
200.1010	New Section
200.1020	New Section
200.1030	New Section
200.1040	New Section
200.1045	New Section
200.1050	New Section
200.1060	New Section

4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: October 15, 2000

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6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 2, 2000 at 24 Ill. Reg. 7806

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Section 200.70(a): Strike "All" and add "Unless filed through the e-Docket system pursuant to Subpart F, all".

Section 200.150(g): Delete "Notwithstanding the foregoing", change "the" to The", and add "also" after "may".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments will update obsolete statutory references and update Sections that quote statutory language where such language has changed since adoption of the previous amendment of the Section. This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)785-3922

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The full text of the adopted amendments begins on the next page:

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CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 200
RULES OF PRACTICE

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AUTHORITY: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Filed and effective January 15, 1960; codified at 8 Ill. Reg. 18459; old rules repealed and new Part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10481, effective May 30, 1986; amended at 18 Ill. Reg. 7748, effective May 15, 1994; amended at 20 Ill. Reg. 10607, effective August 15, 1996; emergency amendment at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16019, effective October 15, 2000.

SUBPART A: GENERAL PROVISIONS

Section 200.40 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

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"Commission" means the Illinois Commerce Commission.

"Commissioner" means a member of the Commission.

"Complainant" means a person who complains to the Commission by formal written complaint of any acts or things done or omitted to be done in violation, or claimed to be in violation, of the jurisdictional acts or of any order or rule of the Commission.

"Contested case" means any *proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, where individual legal rights, duties or privileges of a party are required by law to be determined by the Commission after an opportunity for a hearing.* [5 ILCS 100/1-30] ~~{Ill. Rev. Stat. 1985, ch. 127, par. 1003.02.)~~ With respect to proceedings under the Public Utilities Act, however, *complaint cases initiated pursuant to any section of that Act, investigative proceedings and ratemaking cases shall be considered "contested cases".* [220 ILCS 5/10-101] ~~{Ill. Rev. Stat. 1985, ch. 111 2/3, par. 10-101)~~

"e-Docket" means a Web based electronic filing system that allows electronic filing, management, and access to electronic records that make up case files.

"Electronic" *includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.* [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" *means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.* [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 200.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" *means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.* [815 ILCS 511/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct hearings and

take evidence, who shall have additional powers as are provided by the Electric Supplier Act [220 ILCS 30] ~~{Ill. Rev. Stat. 1985, ch. 111 2/3, par. 401 et seq.}~~, the Illinois Commercial Relocation of Trespassing Motor Vehicles Law [625 ILCS 5/Ch. 18A] ~~{Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18a-100 et seq.}~~, the Illinois Commercial Transportation Law [625 ILCS 5/Ch. 18C] ~~{Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18c-1101 et seq.}~~, the Public Utilities Act [220 ILCS 5] and the Illinois Administrative Procedure Act [5 ILCS 100] ~~{Ill. Rev. Stat. 1991, ch. 127, par. 1001 et seq.}~~.

"ICTL" means the Illinois Commercial Transportation Law [625 ILCS 5/Ch. 18C] ~~{Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18c-1101 et seq.}~~.

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding before the Commission; provided that, in the case of any inquiry, investigation or hearing under the Public Utilities Act on any matter relating to rates or other charges or services within any city, such city may become a party to the proceeding and an intervenor by filing with the Commission a written appearance of its attorney or authorized representative.

"License." *A license includes the whole or part of any permit, certificate, approval, registration or similar type of permission required by law.* [5 ILCS 100/1-35] ~~{Ill. Rev. Stat. 1985, ch. 127, par. 1003.04.}~~

"Licensing Proceeding" means the Commission *process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license, when required by law to be preceded by notice and opportunity for hearing* ~~{Ill. Rev. Stat. 1985, ch. 127, pars. 1003.05 and 1016}~~. [5 ILCS 100/1-40 and 10-65]

"Non-party participant" means a person who either through testimony or a statement comments on any matter pending before the Commission. A number participant is not an "Intervenor" and does not have the rights of an Intervenor. A person need not file a petition to become a number participant but must comply with those procedures established by the Hearing Examiner.

"Party" means any person who initiates a Commission proceeding by filing an application, complaint or petition with the Commission, or who is named as a respondent, or who is allowed by the Commission or by statute to intervene in a proceeding. Such a party to a proceeding before the Commission may be an applicant, complainant, intervenor, petitioner or respondent. Staff witnesses are not parties but shall have the specific rights and duties enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" or "Applicant" means a party who by written petition or application applies for or seeks relief under any provisions of the jurisdictional acts or any order or rule of the Commission and who is not otherwise designated in this Section.

"Pleading" means any application, complaint, motion, petition or answer filed in writing with the Commission in a formal proceeding.

"Public Utilities Act" means the ~~The~~ Public Utilities Act ~~{Ill. Rev. Stat. 1985, ch. 111 2/3, par. 1 101 et seq.}~~. [220 ILCS 5]

"Respondent" means a party against whom a complaint or petition is filed, or a party who, by reason of interest in the subject matter of a petition or application or the relief sought therein, is made a respondent, or a party to whom an order is directed by the Commission initiating a proceeding, including public utilities, telecommunications carriers and carriers under the ICTL which have filed tariff schedules that are suspended for investigation by the Commission.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

"Staff witness" means a member of the Commission staff, excluding counsel, who testifies or enters an appearance in a particular proceeding before the Commission. Except for staff witnesses, this definition shall not limit the utilization of Commission staff as technical advisors to the Hearing Examiner or Commission.

(Source: Amended at 24 Ill. Reg. 16018, effective _____)

Section 200.60 Open Meetings

a) The Commission shall comply with the provisions of the Open Meetings Act [5 ILCS 120].
b) Emergency meetings may be called by the Chairman or a majority of the Commission. Nothing in this Part shall prohibit the Commission from conducting meetings partially or wholly by means of telecommunications.
c) The agenda for each regular meeting shall be posted at the Commission's principal office in Springfield, in an area easily accessible to the public, at the earliest practicable date but in no event less than 48 hours prior to the scheduled meeting. Whenever practicable, similar posting of the agenda shall be made in the

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Commission's offices in Chicago and on the Commission's Web site (http://www.icc.state.il.us). A supplemental agenda of matters added subsequent to the initial agenda shall be posted when practicable. Agendas for regular meetings are for information only. Inclusion of an item on the agenda shall not require the Commission to consider it, and absence of an item from the agenda shall not preclude the Commission from considering or acting upon it. Notices and agendas may be obtained from the Chief Clerk's office in Springfield and Chicago.

d) Participation in meetings is limited to Commissioners, Hearing Examiners, and Commission Staff ~~staff~~ other than Staff ~~staff~~ witnesses. Others may participate in Commission meetings on invitation of the Commission except where precluded by Section 200.710. The Commission shall take those actions necessary to permit its deliberations to be conducted in an orderly manner.

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

Section 200.70 Submission of Paper Documents ~~Communications to the Commission~~

a) Unless filed through the e-Docket system pursuant to Subpart F, all ~~All~~ formal written communications and documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 ~~62706~~. Petitions, complaints and other filings that initiate a proceeding or petitions for interlocutory review shall be deemed to be officially filed or submitted only when received at the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records. Unless the Public Utilities Act or other applicable statute specifically provides otherwise, or the Hearing Examiner specifically provides otherwise in the interest of a fair hearing, all other formal written communications and documents shall be deemed officially filed or submitted either when received at the principal office of the Commission or:

1) if transmitted through the United States mail, shall be deemed filed with or received by the Commission on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing it. If transmitted by a private express courier service, shall be deemed filed with or received by the Commission upon delivery to the courier service;

2) if mailed or deposited with a private express courier service but not received by the Commission or if received but without a cancellation mark or with the cancellation mark illegible or erroneous, shall be deemed filed with or received by the Commission on the date it was sent or deposited, provided a Proof of Filing by certificate of attorney, acknowledgment of receipt, or affidavit is provided to the Commission showing that the

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writing was deposited, properly addressed, in the United States mail or with a private express courier service on or before the date on which it was required or authorized to be filed. In cases in which the writing was mailed or deposited with a private express courier service but not received, the sender must also file with the Commission a duplicate writing, within 10 days after notification is given to the person claiming to have sent the writing, of nonreceipt of the writing;

3) if a writing is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the writing was mailed. The date of registration, certification or certificate shall be deemed the postmarked date.

b) In an emergency, upon affidavit specifying the emergency and affirming that no person will be prejudiced, the Chief Clerk or his/her designated representative shall authorize filing in the Chicago office of the Commission.

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

Section 200.80 Computation of Time

The time within which an Act is to be done as provided in any rule or order promulgated by the Commission shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday then such succeeding day shall also be excluded. [5 ILCS 70/1.11] ~~(Ill. Rev. Stat. 1983, ch. 1, par. 1012).~~

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

Section 200.90 Appearances

a) Any party may appear by an attorney at law authorized to practice in the State of Illinois; attorneys admitted to practice in states other than Illinois may appear and be heard upon special leave of the Hearing Examiner in particular cases. In determining whether to grant such leave, the Hearing Examiner shall consider, in addition to the goals set forth in Section 200.25, whether the state in which the attorney is admitted to practice grants leave to Illinois attorneys in similar situations.

b) A natural person may appear in his or her own behalf.

c) A corporation or association may appear by any bona fide officer,

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employee or representative. Only persons admitted to practice as attorneys and counsellors at law shall represent others in proceedings before this Commission in any matter involving the exercise of legal skill or knowledge.

d) When Staff ~~staff~~ witnesses are represented by an attorney, their appearance shall be made by their attorney or attorneys. All Commission Staff ~~staff~~ witnesses not represented by counsel, who speak at any hearing, shall enter an appearance.

e) All persons appearing in proceedings before the Commission shall conform to the standards of conduct of attorneys before the courts of Illinois. These standards are set forth in the Illinois Rules of Professional Conduct [S. Ct. Rules of Prof. Conduct, Art. VIII] ~~Code of Professional Responsibility (Ill. Rev. Stat. 1985, ch. 110A, Article VIII)~~. If any person does not conform to such standards, the Hearing Examiner may decline to permit such person to appear in any proceeding.

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section 200.100 Contents of Pleadings and Documents

All pleadings and documents in proceedings before the Commission to which a docket number has been assigned shall ~~prominently~~ display the ~~such~~ docket number. Pleadings ~~and documents~~ initiating a new proceeding shall leave a space for the docket number. All pleadings shall also include the following information

a) The full name, address, telephone number, and, unless the party has no facsimile number or e-mail address either directly or through its attorney, facsimile number and e-mail address ~~and telephone number~~ of the person or the representative of the person filing the pleadings. A party, in its first pleading in a proceeding, shall state whether it agrees to accept service by electronic means as provided for in Section 200.1050. A party later may agree, or may revoke its agreement, to accept electronic service, provided that the party shall file and serve a notice of the later agreement or revocation.

b) A plain and concise statement of any facts upon which the pleadings are based.

c) The specific relief sought, which may be in the alternative, including the statutory authority or rule and regulation upon which such relief is sought.

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

Section 200.110 Forms of Pleadings and Documents

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a) All pleadings and documents filed with the Commission shall be typewritten or printed on white paper 8 1/2 inches by 11 inches or capable of being printed on white paper 8 1/2 inches by 11 inches ~~typewritten or printed on paper cut or folded so that the size shall not exceed a width of 8 1/2 inches and a length of 11 inches~~ and shall have inside text margins of not less than one inch. An optional heading consisting of the docket number and document title shall be placed in the upper right-hand corner and have a top margin of not less than 3/4 inch. Page numbers shall be centered and have a bottom margin of not less than 1/2 inch. Line numbers shall have a left-hand margin of not less than 1/2 inch. All exhibits of a documentary character shall, whenever practical, conform to these ~~said~~ requirements of size and margin. The ~~If typewritten, the~~ impression shall be on one side of the paper only and shall be double spaced; footnotes may be single spaced and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font, black type on white background. The text of pleadings or documents shall be at least 12-point. Footnotes shall be at least 10-point. Other material not in the body of the text, such as financial data schedules and exhibits, shall be at least 8-point. All exhibits of a documentary character shall, whenever practical, conform to these requirements. Persons filing a formal complaint pursuant to Section 200.170 using the complaint form provided by the Commission may complete the form in handwriting.

c) Reproductions may be by any process, providing that all copies are clear and permanently legible.

d) Testimony prepared for the purpose of being entered into evidence shall include line numbers on the left-hand side of each page of text. Testimony shall include continuous line numbers. Schedules, attachments, and exhibits of a numerical or documentary nature shall, whenever practical, conform to these requirements.

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

Section 200.120 Copies of Pleadings

a) For dockets initiated before January 1, 2000, pleadings shall be filed with the Chief Clerk in one paper original and two paper copies, unless otherwise specified in this Part.

~~a) Pleadings shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.~~

~~b) Initial pleading in proceedings under the Public Utilities Act shall be filed with the Chief Clerk in one original and three copies.~~

b) For dockets initiated after January 1, 2000, only one original shall be filed.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.130 Signature and Verification

The original of every pleading filed with the Commission shall be signed by the party filing the same or by an officer, agent or attorney therefor, provided that petitions filed under Section 7-102 of the Public Utilities Act [220 ILCS 5/7-102] ~~(Ill. Rev. Stat. 1985, ch. 111 2/3, par. 7-102)~~ shall be signed by the person(s) specified in that Section ~~section~~. The contents of all formal complaints, petitions, applications, petitions to intervene, supplemental formal complaints and supplemental petitions shall be verified by the filing party before a notary public.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.150 Service

a) Formal complaints will be served by the Commission only.

b) Petitions, applications, answers, intervening petitions, supplemental complaints and petitions, amendments to pleadings, written motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested forms of order, applications for further hearing, petitions for rehearing, and similar documents shall be filed with the Chief Clerk of the Commission and shall be served by the person filing same upon all parties to the proceeding and upon Staff and the Hearing Examiner, if any, and, when filed, shall be accompanied by proof of service upon all parties. In addition, any person filing a petition under Section 8-406 of the Public Utilities Act [220 ILCS 5/8-406] for a certificate of public convenience and necessity to serve as a water or sewer public utility shall serve a written copy of the petition on each municipality which is located partly or wholly within the area proposed to be certificated, or whose corporate boundary lies within 1 1/2 miles of such area.

c) Service of paper documents. Except as otherwise provided in this Subpart, Subpart F, or by the Commission or the Hearing Examiner, service of paper documents shall be made by delivering in person or by depositing in the United States mail, properly addressed with first class postage prepaid, or by depositing with a private express courier service, properly addressed with charges prepaid or payment arrangements made, one copy to each person entitled thereto. Service by mail is effective upon mailing; service by a private express courier service is effective upon delivery to the private express courier service. Service of petitions for interlocutory review shall be effective upon receipt by the party served. When Staff ~~staff~~ witnesses or any party or parties have appeared by an attorney,

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service upon the attorney shall be deemed service upon such persons. Notices under the ICTL shall be served as provided in Sections 18c-1801 and 18c-1802 of that statute [625 ILCS 5/18c-1801 and 18c-1802]. Service is effective on a public utility, telecommunications carrier, carrier under the ICTL or other entity regulated by the Commission, if mailed to the last address on file with the Commission. Except as otherwise provided by the Commission or the Hearing Examiner, whenever Staff or a party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon Staff or the party, and the notice or other document is served upon Staff or the party by mail, four days shall be added to the prescribed period.

d) Proof of service of any paper document shall be by certificate of attorney, acknowledgement of receipt, or affidavit, except that proof of service on the Commission is made pursuant to Section 200.70.

e) In any proceeding involving more than four parties, the Chief Clerk shall prepare and disseminate to all parties a service list showing the name of each party and the names and addresses of each party's representatives entitled to service. Unless a party was unable to include an e-mail address pursuant to Section 200.100, 200.170, 200.200, or 200.540, service lists shall show the e-mail addresses of each party's representatives ~~and address of each person entitled to service~~. Parties shall be required to update their service lists to insure the inclusion of all parties during the course of the proceeding. Updated service lists may be obtained from the Chief Clerk's office.

f) In any application, petition, or complaint that initiates a "Contested Case" or a "Licensing Proceeding" as defined in Section 200.40, the Commission shall serve notice ~~the applicant, petitioner or complainant shall provide, at the time of filing a petition, application or complaint, notice in a form prescribed by the Commission~~. *The notice shall provide:*

1) *A statement of the time, place, and nature of the hearing;*
2) *A statement of the legal authority and jurisdiction under which the hearing is to be held;*
3) *A reference to the particular Sections of the substantive and procedural statutes and rules involved;*
4) *Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number;*
5) *The names and mailing addresses of the Hearing Examiner, all parties, and all other persons to whom the Commission gives notice of the hearing unless otherwise confidential by law.* [5 ILCS 100/10-25(a)]; and
6) A copy of the complaint, in proceedings initiated under Section 10-108 of the Public Utilities Act [220 ILCS 5/10-108]

~~1) A statement of the legal authority and jurisdiction under which~~

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~~the hearing is to be held;~~
~~2) A reference to the section of the statute or rule involved;~~
~~3) A plain and concise statement of the matters asserted; and~~
~~4) A space for the time and location of a hearing scheduled in the proceeding [5 ILCS 100/10-25(a)];~~
~~5) A copy of the complaint, in proceedings initiated under Section 10-108 of the Public Utilities Act [220 ILCS 5/10-108].~~

g) The Commission shall serve the notice provided by subsection (f) by personal delivery or by mailing the notice in the United States mail in a sealed envelope with postage prepaid ~~or registered or certified mail~~. The Commission may also serve, by electronic means, the notice provided for in subsection (f), provided that the subject line of the electronic message states "OFFICIAL COMMISSION NOTICE OF CASE OR PROCEEDING". Notice of any additional hearings or other notices mailed by the Commission shall be by regular United States mail or as otherwise provided by the Hearing Examiner.

h) A person filing an application under Section 8-406 of the Public Utilities Act~~, as amended~~, for a Certificate of Public Convenience and Necessity to construct facilities upon or across privately owned tracts of land, or filing under Section 8-503 of that Act [220 ILCS 5/8-503], shall include with the ~~attach to such~~ application when filed with the Commission a list containing the name and address of each owner of record of the ~~such~~ land as disclosed by the records of the tax collector of the county in which the ~~wherein such~~ land is located, as of not more than ~~thirty (~~ 30~~)~~ days prior to the filing of the ~~such~~ application. The Commission shall notify the ~~such~~ owners of record of the time and place scheduled for the initial hearing upon the ~~such~~ application. The foregoing provisions for notice to owners of record shall not be deemed jurisdictional and the omission of the name and address of an owner of record from the ~~such~~ list or lack of notice shall in no way invalidate a subsequent order of the Commission relating to the ~~said~~ application.

i) When ~~Where~~ a person files an application under Section 8-503 or 8-406 of the Public Utilities Act, the requirements of subsection (h) ~~Section 200.150(h)~~ above shall apply only if the ~~such~~ application requests a certificate of authority to construct particular facilities at specified locations and shall apply only with respect to the ~~such~~ construction.

j) When ~~Where~~ a person files an application under both Section 8-406 of the Public Utilities Act and under the Gas Storage Act [220 ILCS 15], the utility's compliance with the notice requirements of the Gas Storage Act will be deemed to be in compliance with the requirements set forth in subsection (h) ~~Section 200.150(h)~~ above.

k) Persons filing applications under the ICTL that ~~which~~ are subject to the service and notice requirements of Section 18c-4201 of that Law [625 ILCS 5/18c-4201] shall comply with the requirements of that Section and the rules of the Commission issued under that Section ~~thereunder~~.

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l) Persons filing applications under the Illinois Commercial Relocation of Trespassing Vehicles Law who are subject to the service and notice requirement of Section 18a-400(c) of that Law [625 ILCS 5/18a-400(c)] shall comply with the requirements of that Section and the rules of the Commission issued under that Section ~~thereunder~~.

m) Persons subject to the Electric Supplier Act [220 ILCS 30] shall comply with any and all service and notice requirements under that Act.

n) The Commission or the Hearing Examiner may require notice in addition to that set forth in this Section.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.170 Formal Complaints

A formal complaint shall be in writing and verified, and an original ~~and two copies (three copies in complaints filed under the Public Utilities Act) of the~~ complaint ~~and notice pursuant to Section 200.150(f)~~ shall be filed with the Commission, together with as many additional copies as there are parties complained against, and shall set forth the following:

a) The name, address, telephone number, and, unless the complainant has no facsimile number or e-mail address either directly or through its attorney, facsimile number and e-mail address~~, and telephone number~~ of each complainant and the complainant's attorney, if any. A complainant, in the complaint, shall state whether it agrees to accept service by electronic means as provided for in Section 200.1050. A complainant later may agree, or may revoke its agreement, to accept electronic service, provided that the complainant shall file and serve a notice of the later agreement or revocation.

b) The name and address of each respondent.

c) A plain and concise statement of the nature of each complainant's interest and the acts or things done or omitted to be done in violation, or claimed to be in violation, of any statute, or of any order or rule of the Commission.

d) If the complainant alleges a violation of 83 Ill. Adm. Code 280 or 735, the complaint shall contain a Statement of Compliance with 83 Ill. Adm. Code 280.170 or 83 Ill. Adm. Code 735.200, whichever is applicable.

e) The particular relief desired.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.180 Answers

a) Whenever the Hearing Examiner issues a ruling that a complaint provides a clear statement on the subject matter, scope of complaint,

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and basis thereof, answers to formal complaints shall be filed with the Commission within 21 days after the date on which the Commission serves notice of the Hearing Examiner's ruling upon the respondent, unless otherwise ordered. If any respondent fails to file an answer, when required under this Section, allegations of fact as to such respondent will be considered admitted. If respondent does not file an answer when no filing requirement exists, issue as to the ~~such~~ respondent will be considered joined. Answers shall contain an explicit admission or denial of each allegation of the pleading to which they relate and a concise statement of the nature of any defense.

b) Answers to formal applications and petitions shall be filed with the Commission within 21 days after the date on which the ~~such~~ applications or petitions are served upon the respondent, unless otherwise ordered. If any respondent fails to file an answer, issues as to the ~~such~~ respondent will be considered joined. Answers shall contain an explicit admission or denial of each allegation of the pleading to which they relate and a concise statement of the nature of the defense.

c) The original of an answer to a verified pleading shall be verified.

d) Answers to petitions for intervention and to amended or supplemental pleadings need not be made unless the party so elects; and, in case answers are not made, the issue will be considered joined. Such answers, if made, shall conform to the requirements of subsections (b) and (c) of this Section, however, such answers shall be filed within 14 days, unless otherwise prescribed by the Hearing Examiner.

~~e) If a respondent satisfies a formal complaint during the pendency of the proceeding, a stipulation signed by all parties or those parties for whom the complaint was satisfied requesting the dismissal of the complaint shall be filed with the Commission. If made at a hearing, such stipulation may be oral.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.185 Satisfaction of Complaint

If a respondent satisfies a formal complaint during the pendency of the proceeding, a stipulation signed by all parties or those parties for whom the complaint was satisfied requesting the dismissal of the complaint shall be filed with the Commission. If made at a hearing, such stipulation may be oral.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.200 Intervention

a) Petitions to intervene shall contain:

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1) The name, address, telephone number, and, unless the petitioner has no facsimile number or e-mail address either directly or through its attorney, facsimile number and e-mail address ~~and telephone number~~ of the petitioner seeking leave to intervene;
2) A plain and concise statement of the nature of the ~~such~~ petitioner's interest;
3) A prayer for leave to intervene and be treated as a party to the proceeding; ~~and~~
4) If affirmative relief is sought, specific prayers for that ~~such~~ relief, which may be in the alternative;
5) A statement as to whether the petitioner agrees to accept service by electronic means as provided for in Section 200.1050. A petitioner later may agree, or may revoke its agreement, to accept electronic service, provided that the petitioner shall file and serve a notice of the later agreement or revocation.

b) While a petition for leave to intervene is pending, the Hearing Examiner, in his or her discretion, may permit the petitioner to participate in the proceeding.

c) Petitions to intervene shall be granted or denied by the Hearing Examiner, subject to Section 200.520.

d) In order to promote efficiency, the Hearing Examiner may require parties to state whether they will be active or not active in the proceeding. If a party fails to respond in the manner designated by the Hearing Examiner within 14 days, the party shall be deemed to be a non-active party. Active parties shall not be required to serve non-active parties with copies of testimony, data requests, pleadings and briefs. However, non-active parties shall be entitled to receive notices and orders served by the Commission. A party may change its designation at any time in the proceeding by filing a notice with the Chief Clerk and serving all parties. If a non-active party has changed its status to active, upon receipt of the notice from the party, all other active parties shall serve that party with all subsequently filed testimony, pleadings and briefs. A party's change in status shall not serve as the basis for delay or a modification of the procedural schedule in the case.

e) Except for good cause shown, an intervenor shall accept the status of the record as the same exists at the time of the beginning of that person's intervention. Subject to Section 200.850, any intervenor shall be allowed to comment in briefs and oral arguments on any matter addressed in the proceeding, whether before or after his intervention; and such intervenor shall be bound by rulings and orders theretofore entered.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

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Section 200.360 Depositions and Other Discovery Procedures

a) *The Commission, any Commissioner, the Hearing Examiner or any party may, in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without Illinois to be taken in the manner prescribed by law for like depositions in civil actions in the Courts of Illinois and to that end may compel the attendance of witnesses and the production of papers, books, accounts and documents.* [220 ILCS 5/10-106] ~~{Ill. Rev. Stat. 1985, ch. 111 2/3, par. 10-106}.~~ Except under special circumstances and for good cause shown, no deposition may be taken except upon 14 days prior notice to all parties and staff witnesses.

b) Payment of witness and mileage fees shall be as provided by Section 10-106 of the Public Utilities Act. [220 ILCS 5/10-106] ~~{Ill. Rev. Stat. 1985, ch. 111 2/3, par. 10-106}~~.

c) In addition to depositions, and subject to the provisions of this Part, any party may utilize written interrogatories to other parties, requests for discovery or inspection of documents or property and other discovery tools commonly utilized in civil actions in the Circuit Courts of the State of Illinois in the manner contemplated by the Code of Civil Procedure [735 ILCS 5] ~~{Ill. Rev. Stat. 1985, ch. 110, par. 1-101 et seq.}~~ and the Rules of the Supreme Court of Illinois [S. Ct. Rules] ~~{Ill. Rev. Stat. 1985, ch. 110A, par. 1 et seq.}~~.

(Source: Amended at 24 Ill. Reg. 13918, effective _____)

Section 200.430 Protective Orders

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person submitting a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. Notwithstanding the preceding sentence, however, the proposed expiration date may exceed five years upon a showing of good cause. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

c) A document submitted and marked as proprietary shall be afforded proprietary treatment pending the timely submission of a motion to protect the confidential, proprietary or trade secret nature of that document and a ruling on that motion by the Commission or the Hearing Examiner.

d) A public redacted version of each document submitted pursuant to this

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Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. 13919, effective _____)

SUBPART D: HEARING PROCEDURE

Section 200.540 Recording Appearances at Hearings

a) Parties and Staff ~~staff~~ witnesses shall enter their appearances at the beginning of a hearing by giving their names, addresses, telephone numbers and, unless the party has no facsimile number or e-mail address either directly or through its attorney, any facsimile number and e-mail address, and whom they represent in writing to the reporter who will include the same in the record of hearing. The Hearing Examiner conducting the hearing may, in addition, require appearances to be stated orally. Non-party participants shall be identified in a manner prescribed by the Hearing Examiner.

b) A party, in its appearance, shall state whether it agrees to accept service by electronic means as provided for in Section 200.1050. A party later may agree, or may revoke its agreement, to accept electronic service, provided that the party shall file and serve a notice of the later agreement or revocation.

(Source: Amended at 24 Ill. Reg. 13919, effective _____)

Section 200.610 Evidence

a) *In all proceedings subject to this Part, irrelevant, immaterial or unduly repetitious evidence shall be excluded.* [5 ILCS 100/10-40] ~~{Ill. Rev. Stat. 1985, ch. 127, par. 1012}~~.

b) This subsection applies to all proceedings except those under the ICTL. *In contested cases, and licensing proceedings, the rules of evidence and privilege applied in civil cases in the Circuit Courts of the State of Illinois shall be followed. However, evidence not admissible under such rules may be admitted if it is of a type commonly relied on by reasonable prudent persons in the conduct of their affairs.* [5 ILCS 100/10-40] ~~{Ill. Rev. Stat. 1985, ch. 127, par. 1012}~~. Objections must be made at hearing to preserve them on appeal. Evidence may be received orally or in writing.

c) This subsection applies to proceedings under the ICTL. *The rules of evidence which apply in civil cases before the circuit courts of this state shall, except as otherwise provided* in Section 18c-2104 of the ICTL, *apply to proceedings before the Commission. Evidence not admissible under the rules of evidence applicable in civil not may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs. Objections must be made at hearing to*

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preserve them on appeal. Evidence may be received orally or in writing. [625 ILCS 5/18c-2104] ~~{Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18c-2104}.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.625 Examination of Adverse Party or Agent

Adverse parties and their employees and agents may be called upon to testify in the manner contemplated by Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102] ~~{Ill. Rev. Stat. 1983, ch. 110, par. 2-1102}~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.700 Record in Commission Proceedings

a) *The record in any proceeding before the Commission shall include:*
 1) *All pleadings, (including all notices and responses thereto), motions and rulings;*
 2) *vidence received;*
 3) *A statement of matters officially noticed;*
 4) *Offers of proof, objections and rulings thereon;*
 5) *Proposed findings and exceptions;*
 6) *Any decision, opinion or report by the Hearing Examiner,* except in cases that ~~which~~ are not contested cases that or licensing proceedings and which do not arise under the Public Utilities Act;
 7) *All staff memoranda or data submitted to the Hearing Examiner or Commissioners in connection with their consideration of the case,* except in cases that ~~which~~ are not contested cases or licensing proceedings and that ~~which~~ do not arise under the Public Utilities Act;
 8) *Any briefs, proposed orders and exceptions thereto which have been filed by the parties;*
 9) *Orders and opinions of the Commission; and*
 10) *Any communication prohibited by Section 200.710, but such communications shall not form the basis for any finding of fact.* [5 ILCS 100/10-35] ~~{Ill. Rev. Stat. 1985, ch. 127, par. 1011}.~~

b) Notwithstanding the provisions of subsection (a), no matter coming within attorney-client privilege shall be included in the record in a contested case or licensing proceeding.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.710 Ex Parte Communications

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a) Unless waived by written stipulation of the parties in the proceeding as provided by Section 10-70 of the Illinois Administrative Procedure Act [5 ILCS 100/10-70] ~~{Ill. Rev. Stat. 1991, ch. 127, par. 1010-70}~~, once notice of hearing has been given in a contested case or licensing proceeding, Commissioners, Commission employees and Hearing Examiners shall not communicate directly or indirectly with:
 1) Any party to the proceeding on any issue in the proceeding; or
 2) A party's representative on any issue in the proceeding; or
 3) Any other person concerning an issue of fact in the proceeding;

without notice and opportunity for all parties to participate.

b) The following communications are not subject to subsection (a) of this Section:
 1) *Communications between Commission employees who are engaged in investigatory, prosecutorial or advocacy functions and other parties to the proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in* subsection (a), *directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding* (this language derived from Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] ~~{Ill. Rev. Stat. 1985, ch. 111 2/3, par. 10-103}~~ and applies only to proceedings under that Act);
 2) *Communications between a Commissioner and other Commissioners, and between a Commissioner or hearing examiner and one or more personal assistants.* [5 ILCS 100/10-60] ~~{Ill. Rev. Stat. 1985, ch. 127, par. 1015}~~;

c) *Any Commissioner, Hearing Examiner, or other Commission employee who is or may reasonably be expected to be involved in the decisional process of a proceeding, who receives, or who makes or knowingly causes to be made, a communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act as modified by Section 10-103 of the Public Utilities Act* [220 ILCS 5/10-103] *shall place on the public record of the proceeding:*
 1) *All such written communications;*
 2) *Memoranda stating the substance of all such oral communications; and*
 3) *All written responses and memoranda stating the substance of all oral responses to the materials described in subsections (c)(1) and (2).* [220 ILCS 5/10-103]

~~*When a Commissioner, a hearing examiner, a Commission employee or a party becomes aware that he or she has received or has made a prohibited communication, the communication shall be disclosed by him, her or them by placing in the record*~~
 ~~1) *any and all such written communications;*~~
 ~~2) *a memorandum stating the substance of any and all such oral communications; and*~~

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~~3) any-and-all-written-responses-and-memoranda-stating-the-substance of--any--and--all--oral--responses--to-the-materials-described-in subsections-(c)(1)-and-(c)(2).~~

d) The material specified in subsection (c) shall be disclosed to the parties of record by:

1) service on the parties at the next hearing; or

2) if no hearing is scheduled within the next seven days, service by mail on all parties of record.

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

SUBPART E: POST-HEARING PROCEDURE

Section 200.840 Filing of Briefs

a) For proceedings initiated prior to January 1, 2000, a paper An original and eight ~~11~~ paper copies of all briefs shall be filed with the Commission.

b) For proceedings initiated after January 1, 2000, an original of the brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. 16018, effective _____)

Section 200.860 Commission Order

Following receipt of the proposed order of the Hearing Examiner and any briefs of the parties, and following oral argument, if any, the Commission shall make its decision and shall serve a copy of its order upon all parties in the manner provided by Section 10-112 of the Public Utilities Act [220 ILCS 5/10-112] ~~(111.-Rev.-Stat.-1985,-ch.-111-2/3,-par.-10-112)~~.

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

Section 200.880 Rehearing

a) After issuance of an order on the merits by the Commission, a party may file an application for rehearing. The application shall state the reasons therefore and shall contain a brief statement of proposed additional evidence, if any, and an explanation why such evidence was not previously adduced. The application shall be filed within 30 days after service of the order on the party.

1) For proceedings initiated prior to January 1, 2000, a paper An original and eight ~~11~~ paper copies of the application shall be filed with the Commission;~~.~~

2) For proceedings initiated after January 1, 2000, an original of the application shall be filed with the Commission.

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b) Applications for rehearing must state with specificity the issues for which rehearing is sought. Incorporation of arguments made in prior pleadings and briefs must be specific as to document and page.

c) If an application for rehearing alleges new facts, then the application must be filed with a verification. A verification need not be filed with an application for rehearing if the application does not allege new facts.

d) No appeal shall be allowed from any order or decision of the Commission unless and until an application for rehearing thereof shall first have been filed and finally disposed of by the Commission. The Commission shall grant or deny the ~~such~~ application in whole or in part within 20 days from the date of receipt by the Commission.

(Source: Amended at 24 Ill. Reg. 16019, effective _____)

SUBPART F: ELECTRONIC FILING

Section 200.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is *to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records.* [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to the Commission's Rules of Practice, through its electronic filing system, "e-Docket". Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. 16019, effective _____)

Section 200.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

1) Microsoft Word for Windows, version 6.0 or greater;

2) Corel WordPerfect for Windows, version 6.0 or greater;

3) Microsoft Excel for Windows, version 4.0 or greater;

4) Lotus 1-2-3 for Windows, version 4.0 or greater;

5) ASCII Text; or

6) Adobe Acrobat Portable Document Format (PDF) version 2.0 or

greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat PDF. Electronic documents not submitted in PDF will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. 13119, effective _____)

Section 200.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

1) First name and last name;

2) Primary mailing address and phone number;

3) Preferred user name;

4) Password;

5) Challenge question and answer; and

6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. 13119, effective _____)

Section 200.1030 Control Processes

a) e-Docket allows only users with an I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular docketed case are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. 13119, effective _____)

Section 200.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit must include the scanned verification or affidavit pages in the filed electronic document in Adobe Acrobat PDF, otherwise documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification or affidavit pages accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and, if applicable, any required original paper verification or affidavit pages by the Chief Clerk of the Commission in one of the formats specified in Section 200.1010(a). Any required verification or affidavit pages, whether they be in an electronic format or a paper version, must be received and accepted by the Chief Clerk for purposes of meeting filing deadlines, unless otherwise specified by the Commission or the Hearing Examiner.

(Source: Added at 24 Ill. Reg. 13119, effective _____)

Section 200.1045 Electronic Documents Accepted by the Commission

All documents either initiating a docketed proceeding or filed in a docketed proceeding may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. 13119, effective _____)

Section 200.1050 Service by Electronic Means

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a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 200.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail, provided that the service is on an e-mail address that the recipient has identified in its appearance or in a subsequent filing or agreement. Because of pagination and format concerns, the parties are encouraged to serve in PDF. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted at or before the time due, except service by electronic means on weekends or holidays shall be deemed complete on the next business day unless otherwise specified by the Commission or the Hearing Examiner.

b) If any party files a proprietary electronic document (see Section 200.430), that party must serve the proprietary electronic document on any other party of record that has the right to see the document on any legal or contractual basis, such as a confidentiality agreement, and a public redacted version pursuant to Section 200.430. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.1060 Electronic Documents and the Hearing Process

If any prefiled testimony or exhibit in the e-Docket system is offered and admitted into evidence without alteration at a hearing in a docketed proceeding, the official copy is the document found in the e-Docket system. If a prefiled document is submitted without alteration at hearing, the requirements of Section 200.670 to offer multiple copies at hearing is eliminated. If any prefiled testimony or exhibit in the e-Docket system is altered at hearing in any way and admitted into evidence, the altered testimony or exhibit is the official copy. The sponsoring party must serve the complete altered document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Telecommunications Enforcement

2) Code Citation: 83 Ill. Adm. Code 766

3)

Section Numbers:	Adopted Action:
766.11	New Section
766.12	New Section
766.20	Amendment
766.30	New Section
766.1000	New Section
766.1010	New Section
766.1020	New Section
766.1030	New Section
766/1040	New Section
766.1045	New Section
766.1050	New Section
766.1060	New Section

4) Statutory Authority: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: October 15, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 2, 2000, at 24 Ill. Reg. 7834

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Section 766.11: Add ""e-Docket" means a Web based electronic filing system that allows electronic filing, management, and access to electronic records that make up case files."

Section 766.12(a): after "one inch.", add "An optional heading consisting of the docket number and document title shall be placed in the upper right-hand corner and have a top margin of not less than 3/4 inch. Page numbers shall be centered and have a bottom margin of not less than 1/2 inch. Line numbers shall have a left-hand margin of not less than 1/2

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inch."

Section 766.30(b): Change "Notwithstanding the preceding sentence, however" to "However".

Section 766.1050(b): Change "200.430" to "766.30".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart E that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings in which telecommunications carriers are subject to enforcement actions for the alleged specified violations of the Public Utilities Act.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)785-3922

The full text of the adopted amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 766
TELECOMMUNICATIONS ENFORCEMENT

SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section
766.10 Applicability
766.11 Definitions
766.12 Form of Pleadings and Documents
766.15 Waiver of Time Limits
766.20 Intervention
766.25 Interlocutory Review Not Allowed
766.30 Protective Orders

SUBPART B: EMERGENCY RELIEF PROCEDURES

Section
766.100 Waiver of Emergency Time Limits
766.110 Emergency Relief Filing Requirements

SUBPART C: PROCEDURE PRIOR TO ISSUANCE OF ORDER

Section
766.300 Filing of Briefs
766.310 Filing of Draft Orders

SUBPART D: ASSESSMENT OF COSTS AND IMPOSITION OF PENALTIES

Section
766.400 Assessment of Costs
766.410 Procedure for Imposition of Penalties
766.415 Factors in Assessing Penalties

SUBPART E: ELECTRONIC FILING

Section
766.1000 Overview of Electronic Filing
766.1010 Acceptable Formats
766.1020 e-Docket Accounts
766.1030 Control Processes
766.1040 Submission of Electronic Documents
766.1045 Electronic Documents Accepted by the Commission
766.1050 Service by Electronic Means
766.1060 Electronic Documents and the Hearing Process

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AUTHORITY: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 13180, effective September 11, 1997, for a maximum of 150 days; adopted at 22 Ill. Reg. 3460, effective February 1, 1998; emergency amendment at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16047, effective _____.

SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section 766.11 Definitions

The following terms as used in this Part shall have the following meanings:

"e-Docket" means a Web based electronic filing system that allows electronic filing, management, and access to electronic records that make up case files.

"Electronic" *includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.* [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" *means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.* [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 766.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" *means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.* [815 ILCS 511/5]

(Source: Added at 24 Ill. Reg. 16047, effective _____)

Section 766.12 Form of Pleadings and Documents

a) All pleadings and documents filed with the Commission shall be typewritten or printed on white paper 8 1/2 inches by 11 inches or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside text margins of not less than one inch. An optional heading consisting of the docket number and document title shall be placed in the upper right-hand corner and have a top margin of not less than 3/4 inch. Page numbers shall be centered and have a bottom margin of not less than 1/2 inch. Line numbers shall have a left-hand margin of not less than 1/2 inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes may be single spaced and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font, black type on white background. The text of pleadings or documents shall be at least 12-point. Footnotes shall be at least 10-point. Other material not in the body of the text, such as financial data schedules and exhibits, shall be at least 8-point. All exhibits of a documentary character shall, whenever practical, conform to these requirements.

c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

d) Testimony prepared for the purpose of being entered into evidence shall include line numbers on the left-hand side of each page of text. Testimony shall include continuous line numbers. Schedules, attachments, and exhibits of a numerical or documentary nature shall, whenever practical, conform to these requirements.

(Source: Added at 24 Ill. Reg. 16047, effective _____)

Section 766.20 Intervention

a) Intervention in any proceeding brought pursuant to Section 13-515 of the Act will be allowed only upon a showing that the entity filing a petition to intervene is in the same position as either the complainant or the respondent in the proceeding in which it is attempting to intervene.

b) An intervenor shall be subject to any waivers of time limits agreed to by the complainant, the respondent, and the Commission.

c) An intervenor shall be subject to any schedule that has been established prior to its intervention.

d) A petition to intervene shall contain:

1) The name, address, and telephone number, and, unless the party has no facsimile number or e-mail address either directly or through its attorney, facsimile number and e-mail address of the petitioner seeking leave to intervene;

2) A plain and concise statement of the nature of such petitioner's interest;

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3) A prayer for leave to intervene and be treated as a party to the proceeding;~~.~~

4) A statement as to whether the petitioner agrees to accept service by electronic means as provided for in Section 200.1050. A petitioner later may agree, or may revoke its agreement, to accept electronic service, provided that the petitioner shall file and serve a notice of the later agreement or revocation.

e) A petition to intervene shall not contain any prayer for affirmative relief other than that contained in the initiating complaint in the proceeding.

(Source: Amended at 24 Ill. Reg. 16047, effective _____)

Section 766.30 Protective Orders

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person submitting a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. However, the proposed expiration date may exceed five years upon a showing of good cause. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

c) A document submitted and marked as proprietary shall be afforded proprietary treatment pending the timely submission of a motion to protect the confidential, proprietary, or trade secret nature of that document and a ruling on that motion by the Commission or the Hearing Examiner.

d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Added at 24 Ill. Reg. 16047, effective _____)

SUBPART E: ELECTRONIC FILING

Section 766.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is *to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records.* [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part, through its electronic filing system, "e-Docket". Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

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(Source: Added at 24 Ill. Reg. 16047, effective _____)

Section 766.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
 1) Microsoft Word for Windows, version 6.0 or greater;
 2) Corel WordPerfect for Windows, version 6.0 or greater;
 3) Microsoft Excel for Windows, version 4.0 or greater;
 4) Lotus 1-2-3 for Windows, version 4.0 or greater;
 5) ASCII Text; or
 6) Adobe Acrobat Portable Document Format (PDF) version 2.0 or greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat PDF. Electronic documents not submitted in PDF will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. 16047, effective _____)

Section 766.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:
 1) First name and last name;
 2) Primary mailing address and phone number;
 3) Preferred user name;
 4) Password;
 5) Challenge question and answer; and
 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

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e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1030 Control Processes

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit must include the scanned verification or affidavit pages in the filed electronic document in Adobe Acrobat PDF; otherwise documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification or affidavit pages accompanied by a printed copy of the electronic receipt for that document.

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b) The filing of an electronic document is effective upon acceptance of the complete document and, if applicable, any required original paper verification or affidavit pages by the Chief Clerk of the Commission in one of the formats specified in Section 766.1010(a). Any required verification or affidavit pages, whether they be in an electronic format or a paper version, must be received and accepted by the Chief Clerk for purposes of meeting filing deadlines, unless otherwise specified by the Commissioner or the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1045 Electronic Documents Accepted by the Commission

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding any other requirements of this Part, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail or in hand service, provided that the service is on an e-mail address that the recipient has identified in its appearance or in a subsequent filing or agreement. Because of pagination and format concerns, the parties are encouraged to serve in PDF. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted at or before the time due, except service by electronic means on weekends or holidays shall be deemed complete on the next business day unless otherwise specified by the Commission or the Hearing Examiner.

b) If any party files a proprietary electronic document (see Section 766.30), that party must serve the proprietary electronic document on any other party of record that has the right to see the document on any legal or contractual basis, such as a confidentiality agreement, and a public redacted version pursuant to Section 766.30. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 766.1060 Electronic Documents and the Hearing Process

If any prefiled testimony or exhibit in the e-Docket system is offered and admitted into evidence without alteration at a hearing in an arbitration proceeding, the official copy is the document found in the e-Docket system. If a prefiled document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing is eliminated. If any prefiled testimony or exhibit in the e-Docket system is altered at hearing in any way and admitted into evidence, the altered testimony or exhibit is the official copy. The sponsoring party must serve the complete altered document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. 7317, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Council Organization

2) Code Citation: 2 Ill. Adm. Code 2600

3)

Section Numbers:	Adopted Action:
2600.10	Amendment
2600.30	Amendment
2600.70	Amendment

4) Statutory Authority: Implementing Article II and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3]

5) Effective Date of Amendments: October 12, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain an incorporation by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notices of proposal published in Illinois Register: N/A

10) Has JCAR issued a Statement of Objection to this rulemaking? N/A

11) Differences between proposal and final version: N/A

12) Have all changes agreed to by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending on this Part? No

15) Summary and purpose of amendments: These amendments reflect an increase in the number of voting members of the agency's Council, changes to the representation of the Council voting members, and the number of Council voting members required to constitute a quorum.

16) Information and questions regarding these adopted amendments shall be directed to:

Norman Roughley
Supervisor, Health Care Industry Relations
Provider Assistance Division

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118
217/786-7001, extension 108

The full text of the Adopted Amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2600
COUNCIL ORGANIZATION

Section
2600.10 Members
2600.20 Appointment
2600.30 Representation
2600.40 Officers
2600.50 Chairman and Vice-Chairman
2600.60 Secretary
2600.70 Quorum
2600.80 Compensation
2600.90 Reimbursement
2600.100 Official Business
2600.110 Rules of Order
2600.120 Committees
2600.130 Council Offices and Business Hours
2600.140 Organization
2600.150 Employment of Executive Director
2600.160 Qualifications
2600.170 Fiduciary Obligations
2600.180 Material Financial Interest
2600.190 Chief Operating Officer
2600.200 Duties of the Executive Office
2600.210 Delegation
2600.220 Agenda
2600.230 Litigation
2600.240 Disclosure by Independent Contractors
2600.260 Possible Conflict of Interest

APPENDIX A Affidavit of Economic Interests in Health Care

AUTHORITY: Implementing Article II and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6502-1 et. seq.).

SOURCE: Adopted at 10 Ill. Reg. 8738, effective May 15, 1986; amended at 15 Ill. Reg. 17607, effective November 20, 1991; amended at 16 Ill. Reg. 18808, effective November 24, 1992; amended at 24 Ill. Reg. 16657, effective October 12, 2000.

Section 2600.10 Members

The Illinois Health Care Cost Containment Council ("the Council") shall be

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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composed of thirteen (13) ~~eleven (11)~~ voting members as provided in Section 2-1 of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par 6502-1 et seq.) ("the Act").

(Source: Amended at 24 Ill. Reg. 16057, effective October 12, 2000)

Section 2600.30 Representation

Five (5) ~~Three (3)~~ members shall be appointed to represent providers; two (2) members shall be appointed to represent Illinois hospitals where at least one member represents a small rural hospital (a hospital located in a rural area as defined by 77 Ill. Adm. Code 590.20 and with one hundred (100) beds or less); two members to represent physicians licensed to practice medicine in all its branches, and one (1) member to represent ambulatory surgical treatment centers as defined under Section 2500.20; three (3) members shall be appointed to represent consumers; three (3) members shall be appointed to represent businesses; and two (2) members to represent insurance companies.

(Source: Amended at 24 Ill. Reg. 16057, effective October 12, 2000)

Section 2600.70 Quorum

Seven (7) ~~Six (6)~~ voting members of the Council shall constitute a quorum. The affirmative vote of seven (7) ~~six (6)~~ of the voting members of the Council shall be necessary for any action requiring a vote to be taken by the Council. ~~A vacancy in the membership of the Council shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Council as provided for in the Act.~~

(Source: Amended at 24 Ill. Reg. 16057, effective October 12, 2000)

DEPARTMENOT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Lottery (General)

2) Code Citation: 11 Ill. Adm. Code 1770

3) Section Numbers: 1770.10 — Adopted Action: Amended

4) Statutory Authority: Implementing Sections 7.1 and 7.2, and authorized by Section 7.1, of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

5) Effective Date of Amendment: October 13, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 23, 2000, 24 Ill. Reg. 8477

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: There are no differences between the proposed amendment and the adopted amendment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreed upon changes to the amendment.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: Section 1770.10 was amended to include "retailer" as a synonym for "agent", reflecting an industry-wide shift in terminology.

16) Information and questions regarding this adopted amendment should be directed to:

Lisa A. Crites, Rules Coordinator — 217/524-5253(phone)
Illinois Dept. of the Lottery — 217/524-5250(TDD)
201 East Madison Street — 217/524-5235(fax)
Springfield, Illinois 62702

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NOTICE OF ADOPTED AMENDMENT

The full text of the adopted amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE C: LOTTERY
CHAPTER II: DEPARTMENT OF THE LOTTERY

PART 1770
LOTTERY (GENERAL)

Section
1770.10 Definitions
1770.20 Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.30 Special Licenses
1770.40 License Revocation Without Prior Notice
1770.50 License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60 Conditions of Licensing
1770.70 License to be Displayed
1770.80 Change of Name, Ownership, or Form of Business Organization
1770.90 Delinquent Financial Obligations
1770.100 Bonding of Agents
1770.110 License Expiration and Renewal
1770.120 Agent Financial Adjustments
1770.130 Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140 Sales by Department Directly
1770.150 Sales, Inspection, Compensation, and Ticket Purchases
1770.160 Lottery Tickets
1770.170 Lottery Games
1770.180 Drawings
1770.190 Prize Payment, Claiming of Prizes and Transfers to Common School Fund
1770.200 Eligibility to Buy
1770.210 Sale of Promotional Items
1770.220 Priority of Rules

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; emergency amendment at 22

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Ill. Reg. 1964, effective January 15, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9307, effective May 15, 1998; amended at 22 Ill. Reg. 22298, effective December 14, 1998; amended at 24 Ill. Reg. 16061, effective _____.

Section 1770.10 Definitions

Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Illinois Lottery Law [20 ILCS 1605].

"Agent" or "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell lottery tickets under Sections 9.d, 10 and 10.1 of the Act.

"Applicant" means a person who has applied to the Director for a license to sell lottery tickets to the public.

"Board" means the Lottery Control Board as established by Section 6 of the Act.

"Chairman" means the Chairman of the Lottery Control Board.

"Claim" means to present a purported winning Illinois Lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for payment. "Claim" shall additionally mean the process of completing an Illinois Lottery claim form or other documentation as required by this Part. The amount of a prize claim is determined by deducting the amount of the wager from the verified prize amount.

"Claimant" means a person, as defined in this Section, who presents a winning lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for the purpose of receiving a prize.

"Department" means the Illinois Department of the Lottery.

"Director" means the Director of the Department of Lottery.

"Employee of the Department" means an employee of the Department of the Lottery.

"Game" means any individual or particular type of lottery authorized by the Department.

"License" means a license, issued by the Director pursuant to Section

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9 of the Act, under the authority of the Act, for an agent to sell lottery tickets to the public. Licenses shall be effective for an initial period of two years from the date issued by the Department's Licensing Unit. Each license thereafter approved for renewal by the Department will be renewed for a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be appropriate.

"Licensed Agent", ~~or~~ "Lottery Sales Agent", ~~or~~ "Licensed Sales Agent", "Licensed Retailer" or "Lottery Retailer" means a person permitted by a license issued by the Director under the authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified Point of Sale at a specifically licensed location.

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

"On-line status" means the ability of an agent to sell computer-generated Lottery game tickets or shares through a terminal connected to a Lottery central system.

"Person", when used in reference to a sales agent's license, shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department of the Lottery, and also including any county, city, village, or township and any agency and instrumentality thereof.

"Person", when used in the context of a prize claim, shall be construed to mean and include an individual; a group of individuals; a partnership or club; a limited partnership, if registered prior to the date the prize was won; a corporation, if incorporated prior to the date the prize was won; a limited liability company, if registered prior to the date the prize was won; a revocable living trust, provided the prize winner is the initial trustee; an irrevocable trust, if the trust agreement was executed prior to the date the prize was won, and provided all beneficiaries of the trust are named therein; a charitable organization, if registered prior to the date the prize was won; an estate; or a governmental entity other than the Department of the Lottery. Prize claims by any such "persons" are subject to eligibility requirements set forth in the Act, this Part, or game rules.

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"Point of Sale" means the physical location where a licensed agent is authorized to conduct the sale of lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the lottery.

"Related terminal" means any player activated machine or any agent operated terminal in which an owner of an agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Service" means the mailing of any notice required by the Act or this Part by certified mail, return receipt requested. Service shall be deemed complete if the notice is returned undelivered or unclaimed when mailed, postage prepaid, to the intended recipient's last known address as disclosed in the Department's records, or if 30 days have elapsed from the date of mailing to such address with no return of the item.

"Special License" means a license issued by the Director limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 of this Part.

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as defined and limited by Section 20 of the Act, are deposited.

"Ticket" means a lottery ticket or share issued by the Department for sale to the general public.

(Source: Amended at 24 Ill. Reg. 16051, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Numbers: 148.82 — Adopted Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: October 16, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 30, 2000 (24 Ill. Reg. 8789)

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences Between Proposal and Final Version: In Section 148.82(e)(5), "subsections" has been added after"pursuant to".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.40	Amendment	July 28, 2000 (24 Ill. Reg. 11150)
148.140	Amendment	July 14, 2000 (24 Ill. Reg. 10051)
148.295	Amendment	July 14, 2000 (24 Ill. Reg. 10051)
148.310	Amendment	July 14, 2000 (24 Ill. Reg. 10051)

15) Summary and Purpose of Amendments: The Department is making changes to the administrative requirements on organ transplant services at 89 Ill. Adm. Code 148.82. These amendments allow for waivers by the Department of recertification criteria regarding the minimum number of transplant procedures performed annually, by certain hospitals. Under these

DEPARTMENT OF PUBLIC AID

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amendments, if a transplant center has previously met the requirements of certification or recertification of its program as specified in Section 148.82, but has recently performed fewer than the required number of transplants, the Department may continue to recertify the center if a determination is made that such action would best serve the interests of Medicaid clients. These new provisions will allow the Department necessary flexibility in maintaining adequate organ transplant facilities and services for eligible clients. These changes are not expected to result in any budgetary impact.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services
148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.90 Heart Transplants (Repealed)
148.100 Liver Transplants (Repealed)
148.110 Bone Marrow Transplants (Repealed)
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991 Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments

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148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payment (CHAP)
148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)
148.297 Pediatric Outpatient Adjustment Payments
148.298 Pediatric Inpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions (Repealed)
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390 Hearings
148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended

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at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997,for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amendment at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16037, effective _____.

Section 148.82 Organ Transplant Services

a) Introduction
The Department of Public Aid will cover organ transplants as identified under subsection (b) below which are provided by certified organ transplant centers which meet the requirements specified in subsections (c) through (h) of this Section.

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b) Covered Services
 1) Bone marrow, heart, heart/lung, lung (single or double), liver, pancreas or kidney/pancreas transplantation.
 2) Intestinal (small bowel or liver/small bowel) transplantation for children only (see subsection (d)(1)(H) of this Section).
 3) Other types of transplant procedures may be covered when a hospital has been certified by the Department as a transplant center eligible to perform such transplants. Centers must complete the certification process established in subsection (c) of this Section ~~below~~ and provide the necessary documentation of the number of transplant procedures performed and the survival rates.
 4) Medically necessary work-up.
c) Certification Process
 1) In order to be certified to receive reimbursement for transplants performed on Medicaid patients, the hospital must:
 A) Request an application from the Bureau of Comprehensive Health Services;
 B) Submit a completed application to the Department for the type of transplant for which the center is seeking certification;
 C) Meet certification criteria established in subsection (d) of this Section ~~below~~, based upon review and recommendation of each application by the State Medical Advisory Committee (SMAC); and
 D) Submit a detailed status report on each patient for the type of transplant for which the hospital is seeking certification. Such reports must include the patient's diagnosis, date of transplant, the length of hospitalization, charges, survival rates, patient-specific transplant outcome, and complications (including cause of death, if applicable) for all transplants performed in the time frames required for the type of transplant indicated in subsections (d)(1)(C), (D), (E), (F), (G), or (H) of this Section. To protect the privacy of patients included in this report, names of non-Medicaid patients are not required.
 2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medicaid eligible patients.
 3) In the event that no hospital formally certified by the Department is able to provide a covered service set forth in subsection (b) of this Section ~~above~~ within the time frame necessary to preserve the recipient's health, the Department shall review a request for prior approval of the service from a non-certified facility, and if the facility satisfies the criteria for certification, approve the request on an individual case basis.

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 4) A joint application combining the statistical data for the adult and pediatric programs from two affiliated hospitals that share the same surgeons may be submitted for review by the State Medical Advisory Committee. The hospitals must meet the criteria under subsections (d)(1)(A), (B), (J), (K), (L), (M), (N), (O), and (P), the applicable criteria under subsections (d)(1)(C), (D) or (I) and (d)(1)(Q), subsections (d)(2), (3) and (4), and subsection (e) of this Section for certification and recertification.
d) Certification Criteria
 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
 A) The hospital is capable of providing all necessary medical care required by the transplant patient;
 B) The hospital is affiliated with an academic health center;
 C) The hospital has had the transplant program for heart and liver transplants in operation for at least three years with 12 transplant procedures per year for the past two years and 12 cases in the three year period preceding the most current two year period for adult heart and liver transplants;
 D) The hospital has had the transplant program for heart/lung and lung transplants in operation for at least three years with ten transplant procedures per year for the past two years and ten cases in the three year period preceding the most current two year period for adult heart/lung and lung transplants;
 E) A hospital specializing in pediatric heart/lung and lung transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
 F) The hospital has had the transplant program for adult and pediatric bone marrow transplants in operation for at least two years with 12 transplant procedures per year for the past two years;
 G) A hospital specializing in pediatric heart or liver transplants, or both, has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
 H) A hospital specializing in pediatric intestinal (small bowel or liver/small bowel) transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;

I) A hospital specializing in kidney/pancreas and/or pancreas transplants has had the transplant program in operation for at least three years with 25 kidney transplant procedures per year for the past two years and 25 cases in the three year period preceding the most current two year period, and five pancreas transplant procedures per year for the past two years and five in the three year period preceding the most current two year period, or 12 kidney/pancreas transplant procedures per year for the past two years and 12 in the three year period preceding the most current two year period;

J) The hospital has experts, on staff, in the fields of cardiology, pulmonology, anesthesiology, immunology, infectious disease, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;

K) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac catheterizations, coronary arteriograms and open heart procedures per year for heart and heart/lung transplant candidates;

L) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation as supported by appropriate documentation;

M) The hospital complies with applicable State and federal laws and regulations;

N) The hospital participates in a recognized national donor procurement program for organs or bone marrow provided by unrelated donors, abides by its rules, and provides the Department with the name of the national organization of which it is a member;

O) The hospital has an interdisciplinary body to determine the suitability of candidates for transplantation as supported by appropriate documentation;

P) The hospital has blood bank support necessary to meet the demands of a certified transplant center as supported by appropriate documentation; and

Q) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:

i) A one-year survival rate of 50 percent for bone marrow transplant patients;

ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;

iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients;

iv) A one-year survival rate of 90 percent for kidney transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant patients;

v) A one-year survival rate of 65 percent and a two-year survival rate of 60 percent for heart/lung and lung (single or double) transplant patients;

vi) A one-year survival rate of 60 percent and a two-year survival rate of 55 percent for intestinal transplants (small bowel or liver/small bowel).

2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the professional staff for the transplant program and its patients. The hospital must submit appropriate documentation to demonstrate that:

A) Component teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;

B) The hospital safeguards the rights and privacy of patients;

C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.

3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.

4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.

e) Recertification Process/Criteria

1) The Department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) of this Section for review by the Department's State Medical Advisory Committee for recertification as a transplant center.

2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.

3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.

4) If the hospital has previously met the requirements for certification or recertification of its program under subsections (d)(1)(J), (K), (L), (M), (N), (O) and (P) and (d)(2), (3) and

(4) of this Section and the program has experienced no changes under the above subsections, as evidenced in written documentation on the hospital's application, the hospital will not be required to resubmit the same data.

5) If a center has previously met the requirements for certification or recertification of its program under subsections (d)(1)(J), (K), (L), (M), (N), (O), (P) and (Q)(i) through (Q)(vi), but has performed fewer than the required number of transplants pursuant to subsections (d)(1)(C), (D), (E), (F), (G), (H), or (I), as appropriate, the Department may recertify the center if it determines that the best interests of the Medicaid client eligible for transplant services would be served by allowing continued certification of the center. Criteria the Department may consider in making such a determination include, but are not limited to:

A) Not recertifying a center would limit the accessibility of available organs.

B) Other centers are not accepting new patients or have extensive waiting lists.

C) The distance to other eligible centers would jeopardize the client's opportunity to receive a viable organ/tissue transplant.

f) Notification of Transplant

1) The hospital must notify the Department prior to performance of the transplant procedure. The notification letter must be from a physician on the transplant team.

2) The notification must include the admission diagnosis and pre-transplant diagnosis.

3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate outcome summary forms to the hospital.

g) Reimbursement

1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.250 through 148.330 and 89 Ill. Adm. Code 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplants covered within this Section is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is limited to a maximum of 60 percent of the hospital's usual and customary charges to the general public for the same procedure for a maximum number of days listed below for specific types of transplants:

A) 30 consecutive days of post-operative inpatient care for heart, heart/lung, lung (single or double), pancreas, or kidney/pancreas transplant; or

B) 40 consecutive days of post-operative inpatient care for liver transplant; or

C) 50 consecutive days of post-operative inpatient care for bone marrow transplant; or

D) 70 consecutive days of post-operative inpatient care for intestinal (small bowel or liver/small bowel) transplants; or

E) For those transplants covered under subsection (b)(2) of this Section, the number of consecutive days of inpatient care specified within the transplant certification process.

2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim. Reimbursement will not be made until the discharge summary has been submitted to the Department.

3) Applicable disproportionate share payment adjustments shall be made in accordance with Section 148.120(g). Applicable outlier adjustments shall be made in accordance with Section 148.130. Applicable Medicaid High Volume adjustments shall be made in accordance with Section 148.290(d).

4) The rate will not include transportation and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 140.490 through 140.492, respectively.

5) Hospital reimbursement for bone marrow searches is limited to 60 percent of charges up to a maximum of $25,000. Payment for bone marrow searches will only be made to the certified center requesting reimbursement for the bone marrow transplant.

6) Reimbursement for stem cell acquisition charges which includes the mobilization, chemotherapy, cytokines and apheresis processes must be billed under the appropriate revenue code on the claim submitted for the transplant procedure.

h) Reporting Requirements of Certified Transplant Center

The following documentation must be submitted within the time limits set forth in this subsection.

1) Outcome Summary

A) The discharge summary for each Medicaid patient must be received by the Department within 30 days after the patient's discharge.

B) For those Medicaid patients who expire, a summary must be received by the Department within 30 days after the patient's death.

2) Notification of Changes

The center must notify the Department within 30 days after any changes in its program, including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Amended at 24 Ill. Reg. 16087, effective _____)

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1) Heading of the Part: State Toll Highway Rules

2) Code Citation: 92 Ill. Adm. Code 2520

3)

Section Numbers:	Adopted Action:
2520.110	Amendment
2520.201	Amendment
2520.204	Amendment
2520.206	Amendment
2520.223	Amendment
2520.224	Amendment
2520.401	Amendment
2520.403	Amendment
2520.404	Amendment
2520.504	Amendment
2520.702	Amendment
2520.705	Amendment
2520.706	Amendment
2520.707	Amendment
2520.708	Amendment
2520.709	Amendment

4) Statutory Authority: 605 ILCS 10/1

5) Effective Date of Rulemaking: October 11, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 18, 2000 (24 Ill. Reg. 2644) and March 17, 2000 (24 Ill. Reg. 4178)

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: All of JCAR's nonsubstantive suggestions have been incorporated in this adopted rulemaking. The text combines two proposed rulemakings on the same Part. See #9 above.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rulemaking currently in effect?

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No. A companion emergency rulemaking has expired.

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The proposed amendments clarify existing rules and include changes necessary as a result of the evolution of I-PASS.

16) Information and questions regarding these adopted amendments shall be directed to:

Eugene J. Kennelly
Chief Counsel
Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515
630/241-6800

The full text of the adopted amendments begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS TOLL HIGHWAY AUTHORITY

PART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

Section
2520.105 Authority
2520.110 Definitions

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

Section
2520.200 Illinois Vehicle Code
2520.201 Use of Tollway Prohibited
2520.202 Vehicles and Equipment Which May Be Excepted from Provisions of Section 2520.201
2520.203 Transportation of Hazardous Materials
2520.204 Special Usage Toll
2520.205 Loading or Unloading of Vehicles
2520.206 Full Stop at All Toll Plazas
2520.207 Entering and Leaving the Tollway
2520.208 "U" Turns, Etc.
2520.209 Backing Up of Vehicles
2520.210 Parking, Standing or Stopping
2520.211 Relocating of Vehicles
2520.212 Pushing or Towing of Vehicles
2520.213 Stopping or Halting Vehicles by the Authority
2520.214 Destruction of Authority Property
2520.215 Picnics
2520.216 Aircraft
2520.217 Sale of Goods and Services
2520.218 Solicitation of Rides
2520.219 Loitering or Interfering with Traffic
2520.220 Approaching/Departing a Toll Plaza
2520.221 Compliance with Orders or Directions of State Troopers, Etc.
2520.222 Duty Upon Striking Fixtures, Structures or Other Property on Tollway
2520.223 Payment of Tolls
2520.224 Prohibited and Restricted Lanes
2520.225 Traffic Control Devices
2520.226 Penalty for Violation

SUBPART C: TRESPASS

Section
2520.300 Authority

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2520.301 Restriction of Vehicles Using the Tollway
2520.302 Restriction on Nature of Use of Tollway
2520.303 Enforcement
2520.304 Persons and Vehicles Excepted from the Requirements of Subpart C
2520.305 Penalties

SUBPART D: SPEED RESTRICTIONS

Section
2520.400 Authority
2520.401 Maximum Speed Limits for Passenger Cars
2520.402 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailer, House Trailer and Campers
2520.403 Maximum Speed Limits for Designated I-Pass Lanes, Service Areas, Parking Areas, Access Roads and Ramps
2520.404 Road Hazards and Construction Zones
2520.405 Minimum Speed Limits
2520.406 Special Road Conditions

SUBPART E: CONDUCT PROVISIONS

Section
2520.500 Provisions
2520.501 Violations
2520.502 Littering - Penalty
2520.503 Spurious or Counterfeit Tickets, Coupons or Tokens - Penalty
2520.504 Toll Collection Devices - Penalty for Breaking

SUBPART F: SEVERABILITY CLAUSE

Section
2520.600 Partial Invalidity

SUBPART G: General Provisions

Section
2520.700 Authority
2520.701 Related Statutes
2520.702 Notice to Respondent
2520.703 Establishment of the Toll Free Telephone Number
2520.704 Judicial Review
2520.705 Penalties
2520.706 Discovery
2520.707 Administrative Adjudication
2520.708 Duties of Hearing Officer
2520.709 Hearings Format
2520.710 Default - Failure to Appear
2520.711 Enforcement of Final Order

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2520.712 Continuance
2520.713 Authority Rulemaking
2520.714 Severability Clause

AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; Part repealed, new Part adopted at 17 Ill. Reg. 8539, effective May 27, 1993; amended at 20 Ill. Reg. 10200, effective July 12, 1996; emergency amendment at 24 Ill. Reg. 2737, effective February 4, 2000, for a maximum of 150 days; emergency expired July 2, 2000; emergency amendment at 24 Ill. Reg. 4234, effective February 29, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16078, effective _____.

SUBPART A: AUTHORITY AND DEFINITIONS

Section 2520.110 Definitions

The following words and phrases when used in this Part shall have the meanings respectively ascribed to them in this Section:

"Authority" means the Illinois State Toll Highway Authority, an instrumentality and administrative agency of the State of Illinois, formerly known as the Illinois State Toll Highway Commission.

"Authorized Emergency Vehicles" means vehicles of fire departments and police departments, ambulances, emergency vehicles of public service companies, and other vehicles approved and authorized by the Authority when performing emergency business.

"Complaint" and "Notice" means the documents ~~document(s)~~ sent by the Authority to the respondent notifying the respondent of the alleged violations.

"Department of Transportation" means the Department of Transportation of the State of Illinois.

"Final Notice" means the notice sent by the Authority to the respondent that informs the respondent of a finding of liability of the listed charges that has been entered against the respondent.

"Hazardous Materials" means and includes explosives, radioactive materials, etiologic agents, and other dangerous materials, as defined in 18 USC 831 ~~Title--18,--Sections--831-835,--U.S.--Code~~, including flammable liquids.

"Hearing" means a formal hearing conducted by the Authority or appointed Hearing Officer ~~hearing--officer~~, to determine whether a

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violation of the Toll Highway Act and/or any and all rules and regulations promulgated thereto exists.

"Illinois Vehicle Code" means the Illinois Vehicle Code as set forth in 625 ILCS 5.

"I-PASS" means electronic toll collection.

"I-PASS All Lanes" means that, in addition to regular toll collection equipment and toll booths, all lanes are also "I-PASS" equipped.

"I-PASS Only Lanes" means that those lanes are restricted to cars and smaller, and dual wheeled vehicles that have "I-PASS" transponders.

"I-PASS Express Lanes" means that those lanes are restricted to vehicles with "I-PASS" transponders.

"Motor Driven Cycles" means every motorcycle or motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles.

"Oases" means the portions of the Tollway Right-of-Way occupied by restaurants, buildings and service stations, and parking and landscaped areas adjacent thereto.

"Person" means any individual, firm, corporation, cooperative, association, trust, partnership, joint venture or other legally recognized entity.

"Respondent" means any person charged with violating the Toll Highway Act.

"Right-of-Way" means the entire area of the Tollway within the fence lines (or the barrier walls ~~wall(s)~~, where no fence exists), including but not limited to the roadways, shoulders, structures, landscaped areas, maintenance areas, Oases, toll plaza areas, or any other area under the control or jurisdiction of the Authority.

"Toll" means the fixed compensation to be paid to the Authority for the privilege of using the Tollway or any part thereof.

"Toll Highway Act" means 605 ILCS 10 and any rules or regulations promulgated thereto.

"Toll Plaza" means any toll collection facility located upon the Tollway, including manned toll booths and/or automatic toll collection

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machines.

"Tollway" means any and all toll highways operated and maintained by the Authority pursuant to State and federal laws as well as any and all intergovernmental agreements by and between the Authority and other governmental entities.

"Traffic Control Devices" means all signs, signals, markings and devices, including but not limited to barricades and traffic cones, placed or erected by the Authority or its agents for the purpose of regulating, warning, or guiding traffic.

"Traffic Lanes" are the lanes designated for vehicular travel on the Tollway which shall be designated numerically with the extreme left lane of each directional roadway being numbered "Lane No. 1", and each lane to the right of Lane No. 1 carrying traffic in the same direction being numbered consecutively.

"Violation" or "Toll Evasion" means one or more acts prohibited by the Toll Highway Act and/or any rules or regulations promulgated thereto relating to the payment or failure to pay tolls.

Any and all terms that are not specifically defined herein shall have the meanings ascribed to them in the Illinois Vehicle Code and the Toll Highway Act.

(Source: Amended at 24 Ill. Reg. 16078, effective _____)

Section 2520.201 Use of Tollway Prohibited

The following uses of the Tollway, and entry thereon, or on any part of its Right-of-Way are prohibited:

a) Pedestrians, except at authorized areas at Oases, Toll Plazas and maintenance areas.
b) Animals led, ridden or driven on the hoof.
c) Bicycles with or without motors, or motor driven cycles.
d) Vehicles transporting animals or poultry not properly secured or confined.
e) Vehicles with deflated pneumatic tires, metal tires, caterpillar treads, studded tires or tires with chains.
f) Vehicles with loads improperly secured or vehicles transporting gravel, sand, limestone or like materials apt or capable of being windblown or escaping from the vehicles in any manner unless such load is securely covered.
g) Farm implements and machinery, whether self-propelled or towed.
h) Vehicles exceeding the size, weight and load limitations as set out in the Illinois Vehicle Code; provided, however, that, notwithstanding

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the provisions of the ~~said~~ Code, the following vehicles are prohibited, whether or not a special permit has been issued with respect to such vehicles by the Illinois Department of Transportation:

1) Overdimension vehicles.
 A) ~~1~~ Vehicles exceeding 10 feet in overall width.
 B) ~~2~~ Vehicles exceeding 14 feet 6 inches in height.
 C) Vehicles designed for the carrying of more than 10 persons and exceeding 8 feet 6 inches in width.
 D) Vehicles whose overall length exceeds 100 feet, unless prior written approval for overdimension vehicles has been obtained from the Authority. Application for such approval shall be in writing and contain the following information:

~~3~~ ~~Overdimension vehicles~~
 ~~A~~ ~~Vehicles whose overall length exceeds 100 feet, unless prior written approval for such overdimension vehicles has been obtained from the Authority. Application for such approval shall be in writing and contain the following information:~~
 i) An accurate and complete description of the vehicle, including tractor ~~and trailer~~ license plate number ~~numbers~~, total number of axles, overall length of the vehicle, and a description of the load; and
 ii) The proposed routes to be used, including the ~~The~~ points at which the vehicle is to enter and exit the Tollway; and
 iii) Other information as the Authority may require to determine whether the vehicle is capable of safely traveling on the Tollway and negotiating the entrance and exit ramps which will be used for the specified routes.
 E) ~~B~~ Nothing in this subsection (h)(1) ~~herein~~ shall be deemed to require the Authority to issue an overdimension permit for use of the Tollway when the Authority determines, at its discretion, that the vehicle cannot safely or properly travel on the Tollway. Further, the Authority shall not be required to issue an overdimension permit in the event the vehicle load is divisible ~~devisable~~ to an overall length of 100 feet or less; 14 feet 6 inches in height; and/or 10 feet in width.

~~4~~ ~~Vehicles designed for the carrying of more than 10 persons and exceeding eight feet six inches in width.~~

25) Overweight Vehicles
 A) Vehicles whose weight exceeds the limitations of Section 15-111 of the Illinois Vehicle Code, unless written approval has been obtained from the Authority. An application for such approval shall contain the following information:
 i) An accurate and complete description of the vehicle, including tractor ~~and trailer~~ license plate number

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~~numbers~~, total number of axles, distance between axles, axle weights, gross weight, and a description of the load; and

ii) The proposed routes to be used, including the points at which the vehicle will enter and exit ~~leave~~ the Tollway; and

iii) Other information as the Authority may require to determine whether the vehicle is capable of safely traveling on the Tollway and the entrance and exit ramps which will be used for the specified routes.

B) Vehicles whose weight exceeds the limitations as set out in Section 15-111 of the Illinois Vehicle Code by not more than 30%, and that have been approved for travel on the Tollway, shall pay a permit fee of $35~~.~~00 to the Authority.

C) Vehicles whose weight exceeds the limitations of Section 15-111 of the Illinois Vehicle Code by more than 30%, and that have been approved for travel on the Tollway, shall pay a permit fee of $150~~.~~00 to the Authority.

D) Overweight vehicles paying the permit fees required under this Section shall not be required to pay a Special Usage Toll as set out in Section 2520.204 of this Part.

E) Nothing in this subsection (h)(2) ~~herein~~ shall be deemed to require the Authority to issue an overweight permit for use of the Tollway when the Authority determines, in its discretion, that the vehicle cannot safely or properly travel on the Tollway.

i) Overdimension vehicles, as defined by Chapter 15 ~~Section 15-100 et seq.~~ of the Illinois Vehicle Code and subsection (h) of this Section, and vehicles transporting poles, pipes, machinery or other objects of a structural nature which cannot be readily disassembled, shall be allowed on the Tollway only during the period from one-half hour before sunrise to one-half hour after sunset, Monday through Friday, and from one-half hour before sunrise until noon on Saturday, except no such vehicles shall be permitted on the Tollway on the following days:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

In addition, the above specified vehicles are prohibited from using the Tollway beginning at noon the day preceding the above holidays, or beginning at noon the day preceding such holiday weekend.

1) Overweight vehicles that have obtained a permit and are operating within the defined legal dimensions are allowed to travel 24 hours a day, 7 days a week.

2) This restriction does not apply to vehicles transporting

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overwidth farm equipment, with all other dimensions legal, and not overweight. Further, these vehicles will not be required to purchase a Special Usage Permit, and will be allowed to travel 7 days a week during daylight hours only.

j) Vehicles incapable of maintaining a minimum speed of 45 miles per hour on a level grade.

k) House trailers, during extreme wind, adverse weather or unusual traffic conditions.

l) Convoys, processions or assemblages of more than 10 vehicles without the prior approval of District 15 of the Illinois State Police.

m) Vehicles which, in the opinion of State Police sworn personnel or Authority representatives, are in such disrepair, or so poorly equipped or loaded, or are so lacking in equipment as to create a possible hazard to vehicles or persons using the Tollway.

n) The issuance of overdimension or overweight approvals, or the approval of convoys by the Authority and/or the State Police, District 15, is not a guarantee of safe travel and shall not relieve any person, corporation, or entity requesting such approval or owning or operating a motor vehicle upon the Tollway, from full and complete liability and responsibility for the condition of the vehicle, and its load and for the actions and inactions of the owners and operators of the vehicles, and for any damage or injury caused by the vehicle or its operation.

(Source: Amended at 24 Ill. Reg. 16078, effective _____)

Section 2520.204 Special Usage Toll

No person shall operate a motor vehicle on the Tollway which exceeds the size and load limitations set forth in Sections 15-100 through 15-107 of the Illinois Vehicle Code without paying the special usage toll as ~~hereinafter~~ provided in this Section, or the overweight permit fees set forth in Section 2520.201~~(h)(5)~~. All vehicles exceeding 8 feet 6 inches in width or 13 feet 6 inches in height, or 10000 feet in length, shall be required to pay a Special Usage Toll. A Special Usage Toll Permit ("SUP") will be issued on the following terms and conditions:

a) The SUP ~~Special Usage Permit~~ form shall be obtained from the Plaza Supervisor or Collector in Charge of the first manned Toll Plaza reached upon entering the Tollway, and all information required by the permit form shall be provided prior to the issuance of the SUP. The vehicle ~~Vehicle~~ shall not proceed any further on the Tollway unless a permit is issued at the first Toll Plaza reached and the proper Special Usage Toll is paid. The SUP may be issued to permit use only for the specified trip and at the stated time set forth in the SUP ~~Special Permit Usage~~ form.

b) A Special Usage Toll charge of $15~~.~~00 shall be paid for the SUP ~~Special Usage Permit~~, except that the fee for overweight vehicles shall be as set forth in Section 2520.201(h)(5) and such charge or fee

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shall be in addition to the regular toll ~~Toll~~ charges for the use of the Tollway, as provided in Section 2520.223.

c) The SUP must be exhibited at all Toll Plazas during the course of the permitted trip on the Tollway.

d) Whenever any vehicle is required to have a State permit from the Illinois Department of Transportation for travel on State roadways, such permit must be presented to the Supervisor or Collector in Charge before a SUP can be obtained.

e) No SUP will be issued for vehicles exceeding the size, weight and load limitations set forth in Section 2520.201.

f) Any person who shall use or attempt to use the Tollway without proper payment of the Special Usage Toll or fee as required by this Section shall be deemed guilty of a petty offense as prescribed by Section 27.1 ~~100-27.1~~ of the Toll Highway Act.

(Source: Amended at 24 Ill. Reg. 16078, effective _____)

Section 2520.206 Full Stop at All Toll Plazas

Except at designated I-PASS Only and I-PASS Express Lanes, all vehicles ~~Each vehicle~~ must come to a full stop at all Toll Plazas at the time of payment of tolls ~~toll~~. When red/green signal lights exist at a Toll Plaza lane, the driver of a vehicle shall not proceed until receiving the green light signal.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2520.223 Payment of Tolls

a) All persons driving vehicles upon the Tollway, except as provided in subsection (b) below, are required to pay the prescribed toll at each Toll Plaza encountered while using the Tollway. Tolls may be paid for in the following manner:
 1) By currency or change presented to a Toll Collector, or by correct change deposited in the automatic coin machine.
 2) By a valid and current charge plate issued by the Authority and presented to the Toll Collector.
 3) By I-PASS.

b) Tolls shall not be required of Authority officers and employees while on Authority business, or of public police, public fire or public ambulance vehicles when on emergency business or duty necessitating the use of the Tollway system, and when the vehicle is readily identifiable as such.

c) Failure to pay the prescribed toll ~~Toll~~ is subject to punishment as provided in Section 27.1 of the Toll Highway Act.

d) Any person who shall use or attempt to use any currency or coins other than legal tender of the United States of America, counterfeit,

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expired, or unauthorized credit cards of any type, or any electronic device or equipment not authorized by the Authority in lieu of or to avoid payment of a toll ~~Toll~~ shall be deemed guilty of a petty offense and shall be subject to a fine for each such offense, as provided in Section 27.1 of the Toll Highway Act.

e) Any person, except an authorized Authority employee or agent, who removes any coin from the pavement or from the ground surface within 10 feet of a toll collection booth or machine shall be guilty of a petty offense. This subsection ~~Section~~ shall not apply to any person who retrieves coins he or she dropped while attempting payment of a toll ~~Toll~~.

f) Whoever wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance thereto with intent to commit larceny shall be deemed guilty of a Class 4 felony and subject to fine and/or punishment as provided by the law for such class of crime.

g) No vehicle shall be driven through a Toll Plaza collection facility without payment of the proper toll. In the event of non-payment of the proper toll, as evidenced by video or electronic recording, the registered owner of such vehicle shall, upon notice to the registered owner by mail or personal service, be liable to make prompt payment to the Authority of the proper toll charge as well as an administrative fee of $20~~.00~~. Upon failure to pay the proper toll and administrative fee to the Authority after notice thereof and within the time designated in the notice, the registered owner shall also be subject to payment of a fine not to exceed $50~~.00~~ for each and every violation of this subsection and any other fine or penalty that may be prescribed by law for such violations. *Upon receipt of a certified report from the Authority stating that the registered owner of a vehicle has failed to satisfy any fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, toll evasions, or both, the Secretary of State shall suspend the vehicle registration and/or driver's license of the person* [625 ILCS 5/3-704.2 and 6-306.7]. This subsection shall not apply if the driver of the vehicle is fined or otherwise penalized for the same violation under the Illinois Vehicle Code or ~~any~~ other ~~Authority~~ Rule or Regulation regarding failure to pay the prescribed toll.

(Source: Amended at 24 Ill. Reg. 16078, effective _____)

Section 2520.224 Prohibited and Restricted Lanes

a) No person driving a vehicle on the Tollway shall pass through any lane designated "DO NOT ENTER", except operators of Authority vehicles, Authority officers or employees, or members of the Illinois State Police, District 15, while driving Authority or State Police vehicles.

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b) Only vehicles equipped with a properly mounted I-PASS transponder may use lanes designated as I-PASS Only or I-PASS Express.

(Source: Amended at 24 Ill. Reg. 16178, effective _____)

SUBPART D: SPEED RESTRICTIONS

Section 2520.401 Maximum Speed Limits for Passenger Cars

The following shall be the maximum speed limits for all passenger cars on the Tollway except as provided by Sections 2520.403 and 2520.404:

a) Tri-State Tollway (I-294/I-94):
55 miles per hour south of Waukegan Toll Plaza - Plaza 21 (M.P. 73.5).
65 miles per hour north of Waukegan Toll Plaza - Plaza 21 (M.P. 73.5).

b) Northwest Tollway (I-90):
55 miles per hour east of Randall Road ~~Toll Plaza 9~~ (M.P. 26.6 ~~25.0~~).
65 miles per hour west of Randall Road ~~Toll Plaza 9~~ (M.P. 26.6 ~~25.0~~).

c) East-West Tollway (I-88):
55 miles per hour east of Aurora Toll Plaza - Plaza 61 (M.P. 117.7 ~~133.3~~).
65 miles per hour west of Aurora Toll Plaza - Plaza 61 (M.P. 117.7 ~~133.3~~).

d) North-South Tollway (I-355):
55 miles per hour for the entire length.

(Source: Amended at 24 Ill. Reg. 16178, effective _____)

Section 2520.403 Maximum Speed Limits for Designated I-PASS Lanes, Service Areas, Parking Areas, Access Roads and Ramps

a) The maximum speed limit for I-PASS Only electronic toll collection lanes shall be 30 m.p.h.

b) The maximum speed limit for I-PASS Express electronic toll collection lanes shall be 55 m.p.h.

c) The maximum speed limit for all vehicles in service areas, parking areas and access roads shall be 20 m.p.h.

d) Maximum speed limits for ramps shall be as posted.

~~The maximum speed limit for all vehicles in service areas, parking areas and access roads shall be 20 m.p.h. Maximum speed limits for ramps shall be as posted.~~

(Source: Amended at 24 Ill. Reg. 16178, effective _____)

Section 2520.404 Road Hazards and Construction Zones

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The Authority may temporarily alter and post maximum and minimum speed limits for all vehicles due to road hazards or for ~~to~~ construction work. All vehicles shall comply with such posted speed limits in such zones.

(Source: Amended at 24 Ill. Reg. 16178, effective _____)

SUBPART E: CONDUCT PROVISIONS

Section 2520.504 Toll Collection Devices - Penalty for Breaking

Any person who *wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance thereto with intent to commit larceny shall be deemed guilty of a Class 4 felony* [605 ILCS 10/28].

(Source: Amended at 24 Ill. Reg. 16178, effective _____)

SUBPART G: GENERAL PROVISIONS

Section 2520.702 Notice to Respondent

~~a)~~ The Authority shall give notice to the respondent within one year after the date of the last alleged violation; however, the notice shall exclude those violations occurring more than two years prior to the date of the notice. Once valid notice has been given, nothing herein shall be construed to limit the Authority's rights or remedies. The notice shall be served on respondent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease. The service shall be deemed complete three calendar days after the date of the notice. The notice shall be in the following sequence and shall include but not be limited to the following information ~~specified herein~~:

a ~~1~~) A "Notice of Violation" specifying the date, approximate time and location of the violation cited, the particular regulation violated, the State registration number of cited vehicle (if available), the fine, and the amount of any additional fine that may be assessed for late payment, the availability of a hearing in which the violation may be contested on its merits and the manner in which the hearing may be had. Said notice shall also advise the party of the right to view the video surveillance evidence related to the cited violation. The notice shall also state that failure to either pay the indicated fine and any applicable penalty or to request a hearing on the merits will result in a final determination of toll evasion liability in the amount of the fine and/or penalty indicated.

b ~~2~~) A "Notice of Final Determination" shall be sent following a

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determination of toll evasion liability. The notice shall state that the unpaid fine and/or penalty is a debt owing the Authority. The notice shall contain warnings that failure to pay any fine or penalty due and owing within the time specified may result in the Authority's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered as a judgment as provided by this Section. In addition, the Authority may exercise any other right or remedy allowable under the laws of the State of Illinois. Each and every instance of toll evasion shall be considered an individual violation.

(Source: Amended at 24 Ill. Reg. 16178, effective _____)

Section 2520.705 Penalties

a) Section 2520.223(g) of this Part authorizes the Illinois State Toll Highway Authority to:
 1) ~~a)~~ assess a $20.00 fine against the registered owner of a vehicle who fails to pay the proper toll; and
 2) ~~b)~~ upon failure to pay the proper toll and fine to the Authority after notice of a final determination thereof and within 14 days after the notice, the registered owner shall also be subject to payment of an additional fine not to exceed $50.00 for each and every violation pursuant to Section 2520.223(g) of this Part; and ~~the Authorities rules and regulations.~~
 3) upon failure of a registered owner of a vehicle to satisfy any fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, notify the Secretary of State to suspend the vehicle registration and/or driver's license of the person.

b) A prerequisite to the suspension of vehicle registration and/or driver's license by the Secretary of State shall be the submission to the Secretary of State, by the Authority, of a certified report containing the following information:
 1) *The name, last known address and driver's license number of the person who failed to satisfy the fines or penalties and the registration number of any vehicle known to be registered in this State to the person.*
 2) *A statement that the Authority sent a notice of impending suspension of the person's driver's license, vehicle registration, or both, to the person named in the report at the address recorded with the Secretary of State, the date on which the notice was sent, and the address to which the notice was sent.* [625 ILCS 5/3-704.2]

c) The person to whom the notice of impending suspension was sent may challenge the accuracy of the information contained in the Certified Report by submitting his/her challenges, within 21 days after the date of the notice, in writing, to:

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The Illinois State Toll Highway Authority
ATTN: Toll Services Manager
2700 Ogden Avenue
Downers Grave, Illinois 60515

Challenges to the accuracy of the information contained in the Certified Report shall be limited to the following:
 1) The person having received the notice is not the owner of the vehicle in question.
 2) The person having received the notice has already paid the fine/penalty.
 3) The person having received the notice was found not guilty of the alleged violations.
 4) The person having received the notice was found guilty of fewer than 5 violations.
 5) Any other material error in the contents of the Certified Report.

d) *The Authority shall notify the Secretary of State whenever a person named in the certified report has satisfied the previously reported fines or penalties or whenever the Authority determines that the original report was in error. Upon receipt of the Authority's notification, the Secretary of State shall terminate the suspension.* [625 ILCS 5/6-306.7]

(Source: Amended at 24 Ill. Reg. 16178, effective _____)

Section 2520.706 Discovery

Except by the written agreement of all parties, discovery is limited to the following:

a) The respondent will be allowed to schedule an appointment to review any video surveillance evidence prior to the scheduled hearing. Such appointments shall be made during regular business hours of the Authority and shall take place at the Authority's corporate office located at 2700 Ogden Avenue ~~One--Authority--Drive~~, Downers Grove, Illinois 60515.

b) Written discovery shall be limited to the production of documents and identification of witnesses that each party intends to introduce or call at the hearing. Nothing in this subsection (b) ~~herein~~ shall impose a duty upon the Authority to serve respondent with any documents that were previously sent to the registered owner of the cited vehicle as recorded with the Illinois Secretary of State by U.S. mail.

(Source: Amended at 24 Ill. Reg. 16178, effective _____)

Section 2520.707 Administrative Adjudication

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a) If the respondent fails to pay the assessed fines in the time specified and fails to file a written hearing request in the time specified in the notice, the respondent will be found liable for the alleged violations. In the event that the respondent requests a hearing, the hearing shall be scheduled no less than 30 days but not more than 45 days after the date of the notice. The Authority shall designate a Hearing Officer ~~hearing-officer~~ to conduct the hearing. The Authority may designate any person familiar with the law relating to the substance of the hearing as the Hearing Officer ~~hearing officer~~.

b) Notice of Hearing - The Authority shall send written notice of the date and time of the hearing to all interested parties to the proceeding. The hearing shall be scheduled during regular business hours and shall be held at the main office of the Authority or at any other location designated by the Authority for such hearings. The Authority may, at its sole discretion, establish a process whereby respondents may contest the charges by mail rather than participating in a hearing.

c) Contesting Violations by Mail - If the notice allows for the contesting of the alleged violations by mail and the respondent elects to contest the alleged violations by mail, then respondent shall be bound by the determinations ~~determination(s)~~ of the Hearing Officer ~~hearing-officer~~ as if the respondent had appeared in person for such hearing.

d) Minutes of Hearing - No minutes of the hearing shall be required; however, all pleas must be in writing and all determinations of liability must be in writing and must set forth the basis of the finding in sufficient detail as to allow for meaningful review of the finding.

e) Conduct of Hearing - The Hearing Officer ~~hearing-officer~~ shall have full authority to conduct and control the procedure at the hearing. The Hearing Officer ~~hearing-officer~~ shall apply a preponderance of the evidence standard to all hearings conducted to determine respondent's liability for the violations alleged in the notice. The Hearing Officer ~~hearing--officer~~ shall not be bound by the strict rules of evidence of courts of law and equity.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2520.708 Duties of Hearing Officer

The powers and duties of the Hearing Officer ~~hearing-officer~~ at the hearing include but are not limited to:

a) presiding over the hearing;
b) explaining the procedures of the hearing to the interested parties;
c) administering all oaths and listening to testimony;
d) ruling on the admissibility of evidence and permitting parties to present evidence;
e) permitting parties to examine and cross examine witnesses; and
f) preparing a written report indicating his/her finding and the evidence and reasons supporting the finding.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2520.709 Hearings Format

a) The Authority or the respondent may introduce into evidence, and the Hearing Officer ~~hearing-officer~~ may consider, all video surveillance evidence relating to the charged violations regardless of any foundation objections made by the opposing party.

b) Any employee of the Authority may present the evidence on behalf of the Authority related to the alleged violations ~~violation(s)~~. However, in no event shall the Hearing Officer ~~hearing-officer~~ be allowed to present any evidence on behalf of the Authority.

c) Each party to the hearing may make an opening statement, call, examine and cross examine witnesses, and seek to offer evidence. Evidence may be written or oral.

d) Each party may make a closing statement at the conclusion of the hearing.

e) The Hearing Officer ~~hearing--officer~~ may establish reasonable time limits for each presentation.

f) No testimony shall be given or received at the hearing relating to discussions, offers, counter offers, rejections or admissions at any settlement conferences that may have occurred.

g) Stipulations - Any written stipulations of the parties may be introduced as evidence at the hearing. Such stipulations shall be introduced at the beginning of the hearing and shall become part of the record of the hearing.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3)

Section Numbers	Emergency Action
1040.60	Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)], and Article I and Section 6-521(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch.6, Art. I and 6-521(a)].

5) Effective Date of Emergency Amendment: October 12, 2000

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will not expire before the end of the 150-day period.

7) Date filed with the Index Department: October 12, 2000

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Reason for Emergency: Public Act 91-717 was approved June 2, 2000 with an effective date of October 1, 2000. The Office of the Secretary of State had to complete programming changes prior to drafting the rules by which this Act would be administered.

10) A Complete Description of the Subject and Issues Involved: Sections 2-104(b) and 6-521(a) of the Illinois Vehicle Code vest the Secretary with broad powers to promulgate rules for the administration of the driver's licensing procedures.

11) Are there any proposed amendment to this Part pending? Yes

Section Number	Proposed Action	Illinois Register Citation
1040.105	New Section	24 Ill. Reg. 8223, 6/16/00

12) Statement of Statewide Policy Objectives: These amendments will not require any new expenditures by units of local government.

13) Information and questions regarding this Emergency Amendment shall be directed to:

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NOTICE OF EMERGENCY AMENDMENTS

Robert W. Mueller
Assistant General Counsel
Department of Driver Services
2701 S. Dirksen Parkway
Springfield IL 62723
217-782-5356

The full text of the Emergency Amendment begins on the next page.

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040
CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section
1040.10 Court to Forward Licenses and Reports of Convictions
1040.20 Illinois Offense Table
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
1040.29 2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30 3 Or More Traffic Offenses Committed Within 12 Months
1040.31 Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36 Suspension for Violation of Restrictions on Driver's License
1040.37 Suspension for Violation of Restrictions on Instruction Permit
1040.38 Commission of a Traffic Offense in Another State
1040.40 Repeated Convictions or Collisions
1040.41 Suspension of Licenses for Curfew Violations
1040.42 Fleeing and Eluding
1040.43 Illegal Transportation
1040.46 Fatal Accident and Personal Injury Suspensions or Occupational
1040.48 Vehicle Emission Suspensions
1040.50 Suspension of License of Commercial Vehicle Driver
1040.52 Driver Remedial Education Course
1040.55 Suspension for Driver's License Classification Violations
1040.60 Release of Information Regarding a Disposition of Court
EMERGENCY Supervision
1040.65 Offenses Occurring on Military Bases
1040.66 Invalidation of a Restricted Driving Permit
1040.70 Problem Driver Pointer System
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100 Rescissions
1040.101 Reinstatement Fees
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and

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authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days.

Section 1040.60 Release of Information Regarding a Disposition of Court Supervision
EMERGENCY

a) For purposes of this Section, the following definitions shall apply:

"Driving Abstract" - a record kept by the Department of Driver Services on each driver licensed by the State of Illinois,

containing all information required by Section 6-106(b) of the Illinois Vehicle Code [625 ILCS 5/6-106(b)], and all records of each driver's violations of the traffic laws, and administrative actions pertaining to driving privileges.

"Law Enforcement Officials" - police agencies, state's attorneys offices or court officials.

"Request" - the application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining of a driving abstract and supervision history record.

"Supervision History Record" - a record kept by the Department of Driver Services on each person containing supervision disposition information provided in accordance with Section 6-204(a) of the Illinois Vehicle Code [625 ILCS 5/6-204(a)].

b) Information pertaining to a driver's placement on court supervision for any offense as listed in Section 1040.20 of this Part shall not be released or made available to any source, except as expressly provided in subsection (c) of this Section.

c) Information pertaining to a driver's placement on court supervision for any offense shall be released to law enforcement officials, the driver, or his/her attorney upon receipt of the proper request. The Office of the Secretary of State shall provide sufficient information on the driver's driving abstract and supervision history record to enable the requesting party to obtain specific details of the matter by contacting the court that has previously granted the disposition of supervision.

~~a) Information pertaining to a driver's placement on court supervision for any of the following offenses of the Illinois Vehicle Code or similar provisions of a local ordinance:~~

~~1) Section 6-303, Driving while license, permit or privilege to operate a motor vehicle is suspended or revoked;~~

~~2) Section 11-401, Leaving the scene of a traffic accident involving death or personal injury;~~

~~3) Section 11-501, Driving under the influence of alcohol, other drugs, or a combination thereof;~~

~~4) Section 11-503, Reckless driving; or~~

~~5) Section 11-504, Drag racing;~~

~~shall not be released or made available to any source outside the Office of the Secretary of State except as expressly provided in subsection (c) of this Section.~~

~~b) Information pertaining to placement of a driver under age 21 on court supervision for any of the following offenses of the Illinois Vehicle Code or similar provisions of a local ordinance:~~

~~1) Section 6-101, Operating a motor vehicle without a valid license or permit;~~

~~2) Section 11-402(a), Collision involving damage to vehicles only; failure to stop, exchange information and make report;~~

~~3) Section 11-403, Failure to stop and exchange information after motor vehicle collision; property damage only;~~

~~4) Section 11-403, Failure to stop and exchange information or give aid after motor vehicle collision; personal injury involved;~~

~~5) Section 11-502, Illegal transportation, possession, or carrying any alcoholic liquor within the passenger area of any motor vehicle;~~

~~6) Section 11-601, Speeding charge; 30 miles per hour or more above the legal speed limit;~~

~~7) Section 11-503, Reckless driving;~~

~~8) Section 11-707(b), Driving on the left side of roadway where prohibited;~~

~~9) Section 11-707(d), Passing in a no passing zone;~~

~~10) Section 11-1402(b), Limitations on backing upon controlled access highway;~~

~~11) Section 11-1002(e), Failure to yield right of way to a pedestrian at an intersection;~~

~~12) Section 11-1008, Failure to yield to a pedestrian on a sidewalk; or~~

~~13) Section 11-1201, Failure to stop for approaching railroad train or signal;~~

~~shall not be released or made available to any source outside the Office of the Secretary of State, except as expressly provided in subsection (c) of this Section.~~

~~c) Information pertaining to a driver's placement on court supervision for any of the offenses named in subsections (a) and (b) of this Section shall be released to the following parties only upon receipt of a proper written request: Federal Courts, State Courts, prosecuting authorities, law enforcement authorities, the driver, or his/her attorney.~~

~~1) "Proper request" shall mean a written request for an abstract of driver's record submitted pursuant to Section 2-123 of the Illinois Vehicle Code. The request shall be submitted on the business letterhead of the requesting party and shall be signed by the judge, the prosecutor of the agency, the law enforcement authority, or the individual's attorney. Any individual may also request an abstract of his/her driving record. The request shall include the following information concerning the driver if such information is known to the requesting party:~~

~~A) full name, including middle initial;~~

~~B) address;~~

~~C) birthdate;~~

~~D) sex;~~

~~E) driver's license number;~~

~~F) date of offense;~~

~~G) offense charged;~~

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

~~H) court-date, if applicable.~~
~~2) The office of the Secretary of State shall provide sufficient information on the abstract of a driver's record to enable the requesting party to obtain specific details of the matter by contacting the court which has previously granted the disposition of supervision.~~

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Procedures of the Department of State Police Merit Board

2) Code Citation: 80 Ill. Adm. Code 150

3)

Section Numbers:	Emergency Action:
150.410	Amendment
150.430	Amendment

4) Statutory Authority: 20 ILCS 2610/13

5) Effective Date of Amendment: October 12, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.

7) Date Filed with the Index Department: October 12, 2000

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Public safety consideration

10) A Complete Description of the Subjects and Issues Involved: These rulemaking changes will incorporate the rank of Special Agent for promotion.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

13) Information and questions regarding these amendments shall be directed to:

Mr. James E. Seiber, Executive Director
Department of State Police Merit Board
3180 Adloff Lane, Suite 100
Springfield IL 62703
217-786-6240

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
EMERGENCY
150.420 Eligibility
150.430 Procedures
EMERGENCY
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer
150.540 Petition for Review
150.550 Form and Content of Petition for Review
150.560 Filing Procedures
150.565 Procedure for Processing Petition for Review
150.570 Director's Review
150.575 Discipline Afforded the Director

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

150.580 Complaint Procedures
150.585 Scheduling the Hearing
150.590 Notification to Officer

SUBPART F: HEARINGS

Section
150.610 Board Docket
150.620 Hearing Officer
150.630 Pre-hearing Conferences
150.640 Motions
150.650 Subpoenas
150.655 Request for Witnesses or Documents
150.660 Evidence Depositions
150.665 Hearing Procedures
150.670 Continuances and Extensions of Time
150.675 Computation of Time
150.680 Decisions of the Board
150.685 Service and Form of Papers

APPENDIX A Vision Standards
APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16106, effective October 12, 2000, for a maximum of 150 days.

SUBPART D: CERTIFICATION FOR PROMOTION

Section 150.410 Board Responsibilities
EMERGENCY

The Board shall make certifications for promotion on the basis of job performance measurement, seniority, education, and written and/or oral examination. Examinations for promotion will be given at least every ~~twelve (~~12~~)~~ months for the ranks of Sergeant and Master Sergeant and every ~~twenty-four (~~24~~)~~ months for the ranks of Special Agent, Lieutenant, Captain and Major with notification of time and location to be provided in the promotional announcement.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days)

Section 150.430 Procedures
EMERGENCY

a) The Board will provide each officer with official notification announcing the examination and requesting a written response respecting the officer's intention to participate.
b) Candidates for promotion must complete examinations at the time designated by the Board in the official notification. No exceptions will be allowed.
c) Such candidates must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.
d) Promotional Process Components
The total promotional score will consist of combined standardized

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

scores or respective percentage weights of the components designated for each rank:

Components	Sgt, Msg, S/A	Lt, Capt, Maj
Written Examination	50% X	X
Performance Appraisal	45% X	X
Seniority in Rank	5 X	X
Assessment Exercise	NA	X

e) Candidates for the ranks of Special Agent, Lieutenant, Captain, and Major will participate in a written examination, and an assessment exercise, as well as receive a performance appraisal, and a seniority score. The combined score will be standardized to a 100 ~~one-hundred~~ point scale. The top 65% of all Master Sergeants, Special Agents, Lieutenants, and Captains participating in the total promotional process will be certified by the Board.
f) The Board will certify to the Director the top 65% of those Troopers, Special Agents and Sergeants participating in the total promotional process.
g) There will be statewide certification lists for the ranks of Captain and Major. The certification lists for Sergeant and Master Sergeant will be according to Districts and the certification lists for Special Agent and Lieutenant will be according to Regions, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes.
h) The top 10 candidates on each certification list for all ranks are equally eligible for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote accordingly any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1600 et seq. (July 1, 1982)) and Illinois Department of Human Rights guidelines.
 1) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;
 2) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tied score, all candidates

DEPARTMENT OF STATE POLICE MERIT BOARD

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obtaining such score shall be equally eligible for promotional consideration.

i) Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.

j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 16108, effective October 12, 2000, for a maximum of 150 days)

STATE BOARD OF EDUCATION

NOTICE OF PEREMPTORY AMENDMENT

1) Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

3) Section Number: Appendix C
Peremptory Action: Amendment

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: Order in Corey H., et al., v. Board of Education of City of Chicago, et al., No. 92 C 3409 (September 12, 2000, United States District Court for the Northern District of Illinois, Eastern Division)

5) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

6) Effective Date of Amendment: October 12, 2000

7) A Complete Description of the Subjects and Issues Involved: This peremptory amendment implements an order issued on September 12, 2000, by Judge Robert W. Gettleman relative to the matter of Corey H., et al., v. Board of Education of City of Chicago, et al. That order overrules certain objections of the defendants to a June 22, 2000, decision issued by the court-appointed monitor, Judge Joseph Schneider. Among Judge Schneider's dispositions of that date was Determination 6, which required the State Board of Education to strike, via peremptory rulemaking, certain language from Appendix C to Part 25 (Certification).

Part 25 establishes, among other things, the qualifications required for certification. The provision to be struck from Appendix C describes limitations on the assignment of teachers holding certain types of special education teaching credentials.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed with the Index Department: October 12, 2000

10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

11) This amendment is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

12) Are there any proposed amendments pending to this Part? No

13) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

STATE BOARD OF EDUCATION

NOTICE OF PEREMPTORY AMENDMENT

14) Information and questions regarding this adopted amendment shall be directed to:

Gordon Riffel
Center for Special Education
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5589

The full text of the Peremptory Amendment begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PEREMPTORY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 25
CERTIFICATION

SUBPART A: DEFINITIONS

Section
25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section
25.11 New Certificates (February 15, 2000)
25.15 Standards for Certain Certificates
25.20 Requirements for Initial Elementary Certificate
25.30 Requirements for Initial Secondary Certificate
25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates
25.40 Requirements for Initial Special K-12 Certificate
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 State Provisional Vocational Certificate
25.75 Part-time Provisional Certificates
25.80 Requirements for Initial Early Childhood Certificate
25.90 Transitional Bilingual Certificate and Examination
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate
25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section
25.110 System of Approval: Levels of Approval (Repealed)
25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF PEREMPTORY AMENDMENT

25.125 Fifth-Year Review
25.130 Procedures for Initial Recognition as a Teacher Education Institution (Repealed)
25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003
25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000
25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)
25.145 Approval of New Programs Within Recognized Institutions
25.150 The Periodic Review Process (Repealed)
25.155 Initial Recognition Procedures Effective July 1, 2000
25.160 Notification of Recommendations; Decisions by State Board of Education
25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section
25.210 Requirements for the Certification of School Social Workers
25.220 Requirements for the Certification of Guidance Personnel
25.230 Requirements for the Certification of School Psychologists
25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section
25.310 Definitions (Repealed)
25.311 Administrative Certificate
25.313 Alternative Route to Administrative Certification
25.315 Renewal of Administrative Certificate
25.320 Application for Approval of Program (Repealed)
25.322 General Supervisory Endorsement
25.330 Standards and Guide for Approved Programs (Repealed)
25.333 General Administrative Endorsement
25.344 Chief School Business Official Endorsement
25.355 Superintendent

SUBPART F: GENERAL PROVISIONS

Section
25.405 Military Service
25.410 Revoked Certificates
25.415 Credit in Junior College
25.420 Psychology Accepted as Professional Education
25.425 Individuals Prepared in Out-of-State Institutions
25.427 Three-Year Limitation
25.430 Institutional Approval

STATE BOARD OF EDUCATION

NOTICE OF PEREMPTORY AMENDMENT

25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)
25.437 Equivalency of General Education Requirements (Repealed)
25.440 Master of Arts NCATE
25.442 Illinois Teacher Corps Programs
25.445 College Credit for High School Mathematics and Language Courses
25.450 Lapsed Certificates
25.455 Substitute Certificates
25.460 Provisional Special and Provisional High School Certificates
25.465 Credit
25.470 Meaning of Experience on Administrative Certificates
25.475 Certificates and Permits No Longer Issued
25.480 Credit for Certification Purposes
25.485 Provisional Recognition of Institutions (Repealed)
25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493 Part-Time Teaching Interns
25.495 Approval of Out-of-State Institutions and Programs
25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

Section
25.510 Teacher Aides
25.520 Other Noncertificated Personnel
25.530 Specialized Instruction by Noncertificated Personnel
25.540 Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section
25.610 Definitions
25.620 Student Teaching
25.630 Pay for Student Teaching

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section
25.705 Purpose - Severability
25.710 Definitions
25.715 Test Validation
25.717 Test Equivalence
25.720 Applicability of Testing Requirement
25.725 Applicability of Scores
25.728 Use of Basic Skills Test at Time of Entry into Teacher Education
25.730 Registration
25.732 Late Registration
25.733 Emergency Registration
25.735 Frequency and Location of Examination

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25.740 Accommodation of Persons with Special Needs
25.745 Special Test Dates
25.750 Conditions of Testing
25.755 Voiding of Scores
25.760 Passing Score
25.765 Individual Test Score Reports
25.770 Rescoring
25.775 Institution Test Score Reports
25.780 Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section
25.800 Professional Development Required
25.805 Requirements of the Plan
25.810 State Priorities
25.815 Submission and Review of the Plan
25.820 Review of Approved Plan
25.825 Progress Toward Completion
25.830 Application for Renewal of Certificate(s)
25.832 Validity and Renewal of Master Certificates
25.835 Review of and Recommendation Regarding Application for Renewal
25.840 Action by State Teacher Certification Board; Appeals
25.845 Responsibilities of School Districts
25.848 General Responsibilities of LPDCs
25.850 General Responsibilities of Regional Superintendents
25.855 Approval of Illinois Providers
25.860 Out-of-State Providers
25.865 Awarding of Credit for Activities with Providers
25.870 Continuing Education Units (CEUs)
25.875 Continuing Professional Development Units (CPDUs)
25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885 Funding; Expenses

APPENDIX A Statistical Test Equating - Certification Testing System
APPENDIX B Certificates Available Effective February 15, 2000
APPENDIX C Exchange of Certificates
APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044,

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effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000.

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Section 25.APPENDIX C Exchange of Certificates

Existing Certificate	Description	Exchanged for:
Early Childhood Certificates:		
02 Early Childhood	To Age 6 excluding K	Standard Early Childhood (0 to 6, excluding K)
04 Early Childhood	Age 0-Grade 3	Standard Early Childhood (0 to grade 3)
06 Kindergarten-Primary	K-3	Standard Early Childhood (K-3)
45 Life Kindergarten	K-3	Standard Early Childhood (K-3)
Elementary Certificates:		
03 Standard Elementary	K-9	Standard Elementary
42 Life Elementary	1-8	Standard Elementary
High School Certificates:		
09 Standard High School	6-12	Standard Secondary
11 Vocational	7-12 Field Endorsed	Standard Secondary
14 Junior College	9-14 Field Endorsed	Standard Secondary
47 Life High School	6-12	Standard Secondary
49 Life Junior College	9-14 Field Endorsed	Standard Secondary
Special Certificates:		
10 Standard Special	K-12 Field Endorsed	Standard Special or both Standard Elementary and Standard Secondary
17 Special Exceptional Children	K-14 Field Endorsed	Standard Special or both Standard Elementary and Standard Secondary
48 Life Special	K-14 Field Endorsed	Standard Special or both Standard Elementary and Standard Secondary
50 Life School Librarian	K-14 Library	Standard Special or both Standard Elementary and Standard Secondary

Individuals who receive Standard Special, Elementary and/or Secondary certificates will receive on those certificates the same endorsements they currently hold.

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Holders of Standard Special Certificates may exchange them for either a Standard Special or both a Standard Elementary and Standard Secondary. If they choose the Standard Elementary and Standard Secondary Certificates, they will not be qualified to teach self-contained general education classrooms, but will receive on those certificates only the endorsements they hold. (For example, a holder of a special certificate endorsed for a particular subject area may teach only in that subject area~~, and a holder of a certificate endorsed for serving students with a specific disability may serve only in a classroom serving such students.~~) They will have the option of adding onto the elementary and secondary certificates any other endorsements for which they qualify.

(Source: Peremptory amendment at 24 Ill. Reg. 15278, effective October 12, 2000)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

 Name of Act: Illinois Department of Revenue Sunshine Act
 Citation: 20 ILCS 2515/1

2. Summary of information:

 Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2000. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. ***General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.*** (See 86 Ill. Adm. Code 1200.120)

 The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents	Manufacturers
Agricultural Producers and Products	Manufacturing Machinery & Equipment
Assessments	Medical Appliances
Automobile Renting Tax	Miscellaneous
Bingo	Motor Fuel Tax
Books and Records	Motor Vehicles
Bulk Sales	Newsprint and Ink
C.O.A.D.	Nexus
Certificate of Registration	Nonprofit Institutions
Charitable Games	Occasional Sale
Cigarette Tax	Oil Field Equipment
Claims for Credit	Penalties
Coal Fueled Devices	Pollution Control Facilities
Coal Mining Equipment	Prepaid Sales Tax
Coins and Precious Metals	Products of Photoprocessing

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Computer Software	Property Tax
Construction Contractors	Public Utility Taxes
Cooperative Associations	Real Estate Transfer Tax
Delivery Charges	Repairs
Distillation Machinery	Replacement Vehicle Tax
Drug Tax Stamps	Request for Information
Drugs	Returns
Electricity Excise Tax	Rolling Stock Exemption
Enterprise Zones	Sale at Retail
Exempt Organizations	Sale for Resale
Farm Machinery & Equipment	Sale of Service
Federal Excise Tax	Service Occupation Tax
Financial Institutions	Signature
Food	Special Order
Food, Drugs & Medical Appliances	Statute of Limitations
Governmental Bodies	Tax Collection
Graphic Arts	Tax Increment Financing
Gross Receipts	Tax Rate
High Impact Business	Telecommunications Excise Tax
Hotel Operators' Tax	Temporary Storage
Interest	Tire User Fee
Interstate Commerce	Trade-Ins
Itinerant Vendors	Use Tax
Invested Capital Tax	Vehicle Use Tax
Leasing	Vendors
Liquor Tax	
Local Taxes	
Mandatory Service Charges	
Manufacturer's Purchase Credit	

 Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

 The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for $3.00.

3. Name and address of person to contact concerning this information:

 Margaret Forth
 Legal Services Office
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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AGRICULTURAL PRODUCERS AND PRODUCTS

ST 00-0131-GIL 07/17/2000 Farm chemicals include chemical products used in production agriculture, the products of which are to be sold, or in the production or care of animals that are to be sold or the products of which are to be sold. See 86 Ill. Adm. Code 130.1955. (This is a GIL).

AUTOMOBILE RENTING TAX

ST 00-0190-GIL 8/29/2000 Persons engaged in the business of renting automobiles in Illinois under least terms of one year or less are subject to the Automobile Renting Occupation and Use Tax. See 86 Ill. Adm. Code Section 180.101. (This is a GIL)

C.O.A.D.

ST 00-0140-GIL 07/17/2000 In Illinois, if a machine qualifies as a coin-operated amusement device or a redemption machine, its operation does not violate the Criminal Code so long as it is licensed and operated in compliance with the Coin- Operated Amusement Device and Redemption Machine Tax Act. See 35 ILCS 510. (This is a GIL).

CERTIFICATE OF REGISTRATION

ST 00-0149-GIL 07/20/2000 Businesses are required to obtain certificates of registration from the Department in order to lawfully sell tangible personal property at retail in this State. See 35 ILCS 120/2a. (This is a GIL).

CLAIMS FOR CREDIT

ST 00-0143-GIL 07/17/2000 Section 6 of the Retailers' Occupation Tax Act provides a credit, without filing a formal claim with the Department, against a retailer's tax liability to the extent that the retailer paid an amount equivalent to retailers' occupation tax or has paid use tax in error to his or her vendor or vendors of tangible personal property purchased for resale. See 35 ILCS 120/6. See 86 Ill. Adm. Code 130. (This is a GIL).

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ST 00-0159-GIL 07/31/2000 This letter describes the Department's current proposed amendments to its rules regarding bad debts in relation to sales of motor vehicles. See 86 Ill. Adm. Code 130.1960. (This is a GIL).

ST 00-0191-GIL 08/29/2000 Only persons who have actually paid taxes to the Department can file claims for credit. See 86 Ill. Adm. Code 130.1501. (This is a GIL).

COMPUTER SOFTWARE

ST 00-0162-GIL 08/08/2000 The taxation of software is discussed in regulations found at 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 00-0171-GIL 08/22/2000 Sales of canned computer software are taxable retail sales. See 86 Ill. Adm. Code 130.1935. (This is a GIL).

ST 00-0173-GIL 08/24/2000 In Illinois, the transfer of canned computer software is subject to Retailers' Occupation Tax and Use Tax, regardless of the form in which it is transferred or transmitted. See, 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 00-0178-GIL 08/25/2000 This letter discusses taxation of installationand travel charges related to the installation of computer equipment. See 86 Ill. Adm. Code 130.1935. (This is a GIL).

ST 00-0196-GIL 09/11/2000 Generally, sales of "canned" computer software are taxable retail sales in Illinois. See 86 Ill. Adm. Code 130.1935. (This is a GIL).

CONSTRUCTION CONTRACTORS

ST 00-0155-GIL 07/26/2000 Contractors, as defined in 86 Ill. Adm. Code 130.1940, that make improvements to real estate by taking tangible personal property off the market and permanently affixing it to real estate owe Use Tax on the cost price of such tangible personal property. (This is a GIL).

ST 00-0156-GIL 07/27/2000 This letter discusses the tax liability incurred by companies that place towers and grids on buildings for

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communications purposes. (See, 86 Ill. Adm. Code 130.2075)(This is a GIL.)

ST 00-0180-GIL 08/28/2000 This letter discusses taxation of sellers/installers of wall-to-wall carpeting. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075. (This is a GIL).

DELIVERY CHARGES

ST 00-0134-GIL 07/17/2000 In general, shipping and handling or delivery charges are includable in the gross receipts subject to tax unless the buyer and seller agree upon such charges separately from the selling price of the tangible personal property which is sold. In addition, such charges must be reflective of the costs of shipping and delivery. To the extent that these charges exceed the costs of shipping, they are subject to tax. See 86 Ill. Adm. Code 130.415. (This is a GIL).

ST 00-0158-GIL 07/28/2000 Shipping and handling charges separately contracted for and not included in the selling price are not considered in the computation of the sales tax liability. Mail order shipping and handling charges are separately agreed upon service charges so long as the mail order form requires a separate charge for the shipping and handling charges and the charges are reflective of the actual cost of the shipping and handling. See 86 Ill. Admin. Code 130.415. (This is a GIL).

ELECTRICITY EXCISE TAX

ST 00-0016-PLR 08/02/2000 This letter discusses various exemptions available under the Electricity Excise Tax. See, 35 ILCS 640. (This is a PLR.)

ST 00-0163-GIL 08/08/2000 This letter discusses application of the Electricity Excise Tax to municipal corporations owning and operating a local transportation system for public use. See, 35 ILCS 640/2-4. (This is a GIL.)

ST 00-0188-GIL 08/28/2000 Sales to the Federal Government are not taxable under the Electricity Excise Tax Law by virtue of the Supremacy Clause of the United States Constitution. See 35

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ILCS 640/2-4. (This is a GIL).

ENTERPRISE ZONES

ST 00-0013-PLR 07/07/2000 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a PLR).

ST 00-0015-PLR 07/17/2000 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a PLR).

ST 00-0137-GIL 07/17/2000 The Retailers' Occupation Tax Act provides, in part, that all tangible personal property to be used or consumed within an enterprise zone in the process of the manufacturing or assembly of tangible personal property for wholesale or retail sale or lease if used or consumed at a facility which is a Department of Commerce and Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons is exempt from the Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1951. (This is a GIL).

ST 00-0177-GIL 08/25/2000 This letter discusses whether Combustion Turbine Generators ("CTGs") can qualify as building materials for purposes of the enterprise zone building materials exemption from sales tax. See 86 Ill. Adm. Code 130.1951. (This is a GIL).

EXEMPT ORGANIZATIONS

ST 00-0132-GIL 07/17/2000 While the sale of tangible personal property at retail by exclusively religious, educational or charitable organizations is generally subject to Retailer's Occupation Tax, there are three limited exceptions. See 86 Ill. Adm. Code 130.2005(a)(2-4). (This is a GIL).

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FARM MACHINERY & EQUIPMENT

ST 00-0168-GIL 08/16/2000 Even though sales may be at retail, the Illinois Retailers' Occupation Tax does not apply to farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily in production agriculture or State or federal agricultural programs. See 86 Ill. Adm. Code 130.305. (This is a GIL).

ST 00-0194-GIL 09/01/2000 Repair or replacement parts, necessary for the operation of the machine used in production agriculture or in State or Federal agricultural programs, qualify for the farm machinery and equipment exemption. See, 86 Ill. Adm. Code 130.305(l). (This is a GIL).

ST 00-0198-GIL 09/11/2000 Taxpayers who use GATORS and MULES in a qualifying manner may claim the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305. (This is a GIL).

FOOD

ST 00-0130-GIL 07/17/2000 Persons engaged in the business of selling meals to purchasers for use or consumption incur Retailers' Occupation Tax liability on their gross receipts from such sales. See 86 Ill. Adm. Code 130.2145. (This is a GIL).

ST 00-0133-GIL 07/17/2000 Sales of food by restaurants are subject to Retailers' Occupation Tax. 35 ILCS 120/2 (1998 State Bar Edition). (This is a GIL).

FOOD, DRUGS & MEDICAL APPLIANCES

ST 00-0187-GIL 08/28/2000 A natural dietary supplement could classify as a food taxed at the low rate of tax if it is not sold for immediate or on-site consumption. It could also classify as a drug taxed at the lower rate if the dietary supplement purports to have medicinal qualities. See 86 Ill. Adm. Code Section 130.310. (This is a GIL).

GRAPHIC ARTS

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ST 00-0181-GIL 08/28/2000 Under P.A. 91-541, digital printing equipment can qualify for the Graphic Arts Machinery and Equipment exemption from sales tax. (This is a GIL).

GROSS RECEIPTS

ST 00-0175-GIL 08/25/2000 A caterer's charges for wait staff, equipment rental, linen and delivery are includable in his gross receipts and are fully taxable. These are simply costs of doing business, which are never deductible from gross receipts. (This is a GIL)(See 86 Ill. Adm. Code 130.410).

ST 00-0179-GIL 08/25/2000 Federal taxes are not deductible from gross receipts for purposes of computing sales tax when the incidence of the tax falls upon the manufacturer, wholesaler, or importer. See 86 Ill. Adm. Code 130.445. (This is a GIL).

INTERSTATE COMMERCE

ST 00-0014-PLR 07/17/2000 Retailers' Occupation Tax does not apply where sellers ship goods by carrier or by mail, according to the terms of agreements with purchasers, and the seller delivers the goods from a point within Illinois to a point outside Illinois and the goods are not to be returned to Illinois. Such sales are considered to be sales in interstate commerce and are exempt from Illinois and local Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.605. (This is a PLR).

ST 00-0018-PLR 09/15/2000 Retailers' Occupation Tax does not apply where sellers ship goods by carrier or by mail, according to the terms of agreements with purchasers, and the seller delivers the goods from a point within Illinois to a point outside Illinois and the goods are not to be returned to Illinois. See 86 Ill. Adm. Code 130.605. (This is a PLR).

LEASING

ST 00-0135-GIL 07/17/2000 This letter answers questions concerning the taxation of different lease charges. See 86 Ill. Adm. Code 130.220. (This is a GIL).

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MANUFACTURER'S PURCHASE CREDIT

ST 00-0152-GIL 07/20/2000 Manufacturer's Purchase Credit is non-transferable and may not be used to satisfy the tax liability of any taxpayer other than the manufacturer that earned the credit. See Section 130.331(b)(2) and 35 ILCS 105/3-85. (This is a GIL).

MANUFACTURING MACHINERY & EQUIPMENT

ST 00-0012-PLR 07/07/2000 This letter describes the application of the Manufacturing Machinery & Equipment exemption to various types of equipment used in an on-line embroidery manufacturing process. See 86 Ill. Adm. Code 130.330. (This is a PLR.)

ST 00-0195-GIL 09/05/2000 MANUFACTURING MACHINERY & EQUIPMENT: Machinery and equipment that are used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL).

MEDICAL APPLIANCES

ST 00-0164-GIL 08/09/2000 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310(c). (This is a GIL.)

MISCELLANEOUS

ST 00-0153-GIL 07/24/2000 This letter responds to an annual survey. See 86 Ill. Adm. Code 130.101. (This is a GIL).

ST 00-0160-GIL 08/02/2000 Illinois enacted the Tobacco Product Manufacturers' Escrow Act (Public Act 91-0041), effective June 30, 1999. (This is a GIL).

ST 00-0166-GIL 08/10/2000 Public Act 91-541 became effective on August 13, 1999 and changed the threshold requirements for mandatory payments by use of electronic funds transfer (EFT) and mandatory quarter monthly payments for Retailers' Occupation Tax and related liabilities. See Public Act 91-541 and 35

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ILCS 120/3. (This is a GIL).

ST 00-0169-GIL 08/18/2000 This letter responds to a request for tax publications. (This is a GIL).

ST 00-0174-GIL 08/25/2000 This letter describes the issuance of Private Letter Rulings. See, 2 Ill. Adm. Code 1200.110. (This is a GIL.)

ST 00-0197-GIL 09/11/2000 While water is not subject to Retailers' Occupation Tax when sold by a water company through a series of continuous mains to customers, (see 86 Ill. Adm. Code 130.2055, enclosed) gross receipts from retail sales "over-the-counter" of water are subject to tax. (This is a GIL).

ST 00-0200-GIL 09/11/2000 This letter responds to survey related to sales of computer software. See 86 Ill. Adm. Code 130.1935. (This is a GIL).

MOTOR FUEL TAX

ST 00-0146-GIL 07/18/2000 Persons operating diesel powered recreational-type watercraft upon the waters of this State must use undyed ("clear") diesel fuel for all such operations and pay the Motor Fuel Tax. 35 ILCS 505/2. (This is a GIL).

ST 00-0182-GIL 08/28/2000 Section 13 of the Motor Fuel Tax Law, 35 ILCS 505/13 (1998 State Bar Edition), provides, in part, that no claim based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property. See 86 Ill. Adm. Code 500.235. (This is a GIL).

NEWSPRINT & INK

ST 00-0167-GIL 08/16/2000 Gross receipts from the sales of magazines are not subject to sales tax. See 86 Ill. Adm. Code 130.2105(a)(2). (This is a GIL.)

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NEXUS

ST 00-0144-GIL 07/17/2000 This letter sets out the guidelines concerning different types of retailers in order to determine whether the retailer should collect Illinois Use Tax. See 86 Ill. Adm. Code 150.201. (This is a GIL).

ST 00-0176-GIL 08/25/2000 An out-of-State retailer maintaining a place of business in this State is required to register with the State as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.801. (This is a GIL).

OCCASIONAL SALE

ST 00-0170-GIL 08/21/2000 When persons sell tangible personal property which they are not otherwise engaged in the business of selling, such transactions may be occasional sales not subject to ROT. See 86 Ill. Adm. Code 130.110. (This is a GIL.)

POLLUTION CONTROL FACILITIES

ST 00-0185-GIL 08/28/2000 Air purification equipment can qualify as a pollution control facility if its primary purpose is to treat and reduce air pollutants. The seller of pollution control equipment must obtain a signed statement from the purchaser certifying the equipment will be used as a pollution control facility in order for the seller to be relieved of the duty to collect and remit tax on the sale. See 86 Ill. Adm. Code Section 130.335(a) (This is a GIL).

REPAIRS

ST 00-0183-GIL 08/28/2000 This letter discusses the taxability of maintenance agreements. See 86 Ill. Adm. Code 140.301. (This is a GIL).

RETURNS

ST 00-0138-GIL 07/17/2000 This letter describes the procedure for claiming credit for refunds of tax to customers. See 35 ILCS 120/6a. (This is a GIL).

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ST 00-0148-GIL 07/19/2000 This letter rescinds a prior General Information Letter written on July 17, 2000 and describes the procedure for reporting deductions relating to refunds of tax given to customers for returned merchandise. See 86 Ill. Adm. Code 130.401. (This is a GIL).

ST 00-0172-GIL 08/24/2000 Manufacturers, importers and wholesalers may enter into agency agreements with the Department, whereby they register, file returns and remit sales tax on behalf of retailers selling their products. See, 86 Ill. Adm. Code Section 130.550 (This is a GIL).

SALE AT RETAIL

ST 00-0150-GIL 07/20/2000 The Retailers' Occupation Tax Act imposes a tax at the rate of 6.25% upon persons engaged in the business of selling at retail tangible personal property. 35 ILCS 120/2 and 2-10 (1998 State Bar Edition). (This is a GIL).

ST 00-0165-GIL 08/10/2000 Public Act 91-0872, effective July 1, 2000, amended the Retailers' Occupation Tax Act by providing that, beginning on July 1, 2000 and through December 31, 2000, the Retailers' Occupation Tax imposed upon motor fuel and gasohol is at the rate of 1.25%. See 86 Ill. Adm. Code 130.101 (Emergency). (This is a GIL).

SALE FOR RESALE

ST 00-0184-GIL 08/28/2000 Nonreusable tangible personal property sold to food and beverage vendors, including persons engaged in the business of operating restaurants, cafeterias or drive-ins, is a sale for resale when it is transferred to customers in the ordinary course of business as part of the sale of food or beverages and is used to deliver, package, or consume food or beverages, regardless of where consumption of the food or beverage occurs. See 86 Ill. Adm. Code Section 130.2070. (This is a GIL).

SALE OF SERVICE

ST 00-0017-PLR 08/04/2000 The seller of a special machine, tool, die, jig, pattern, gauge or other similar item is engaged primarily in a service occupation, rather than in the business of selling

DEPARTMENT OF REVENUE

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tangible personal property, and so incurs liability under the Service Occupation and Service Use Tax Acts with respect to the sale if the special order tests set out in 86 Ill. Adm. Code 130.2115(b)(1) are all met in the transaction. (This is a PLR).

SERVICE OCCUPATION TAX

ST 00-0136-GIL 07/17/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL).

ST 00-0139-GIL 07/17/2000 If tangible personal property is transferred incident to sales of service, this will result in either Service Occupation Tax liability or Use Tax liability for the servicemen depending upon which tax base the servicemen choose to calculate their tax liability. See 86 Ill. Adm. Code 140.101. (This is a GIL).

ST 00-0141-GIL 07/17/2000 Tangible personal property transferred incident to sales of service, this will result in either Service Occupation Tax liability or Use Tax liability for the servicemen depending upon which tax base the servicemen choose to calculate their tax liability. See 86 Ill. Adm. Code 140.101. (This is a GIL).

ST 00-0157-GIL 07/27/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL).

ST 00-0161-GIL 08/04/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL).

ST 00-0186-GIL 08/28/2000 Service Occupation Tax liability is incurred when tangible personal property is transferred incident to sales of service. See, 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 00-0189-GIL 08/29/2000 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code

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140.101. (This is a GIL).

TELECOMMUNICATIONS EXCISE TAX

ST 00-0011-PLR 07/06/2000 The Telecommunications Excise Tax is not imposed upon sales made to the Federal government. See, Section 2(1) of the Telecommunications Excise Tax Act (630 ILCS 2(1)). (This is a PLR.)

ST 00-0129-GIL 07/17/2000 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495. (This is a GIL).

ST 00-0145-GIL 07/17/2000 Determinations regarding nexus are very fact specific and cannot be addressed in the context of a General Information Letter. See 86 Ill. Adm. Code 495.110. (This is a GIL).

ST 00-0147-GIL °07/19/2000 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495. (This is a GIL).

ST 00-0151-GIL 07/20/2000 Under the Telecommunications Excise Tax Act, gross charges do not include charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges. See 86 Ill. Adm. Code 495.100. (This is a GIL).

ST 00-0154-GIL 07/26/2000 This letter discusses the taxability of "incentive credits" under the Telecommunications Excise Tax Act. 35 ILCS 630/1 et seq. (This is a GIL).

ST 00-0203-GIL 09/18/2000 Gross charges subject to Telecommunications Excise Tax liability do not include charges paid by inserting coins in coin-operated telecommunication devices. See 35 ILCS 630/2(a)(8). (This is a GIL).

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USE TAX

ST 00-0128-GIL 07/11/2000 Out-of-State sellers with Illinois nexus are required to collect Use Tax from their Illinois customers.

ST 00-0142-GIL 07/17/2000 This letter describes how Use Tax in incurred on explosives used by a company who provides a "shot service". See 86 Ill. Adm. Code 150.101. (This is a GIL).

ST 00-0192-GIL 08/30/2000 Section 3 of the Illinois Use Tax Act, 35 ILCS 105/3, imposes a tax upon the privilege of using in this State tangible personal property purchased at retail from a retailer. (This is a GIL).

ST 00-0193-GIL 08/31/2000 Retailers shall state the Use Tax, whenever possible and practicable, as a distinct and separate item apart from the selling price of the tangible personal property. See 86 Ill. Adm. Code 150.401. (This is a GIL).

ST 00-0199-GIL 09/11/2000: In general, retailers are required to show Use Tax collected as a separate item on invoices issued to customers. See 86 Ill. Adm. Code 150.401. (This is a GIL).

ST 00-0201-GIL 09/11/2000 Retailers are prohibited from advertising or holding out that they will absorb the purchaser's Use Tax obligation. See 86 Ill. Adm. Code 150.515. (This is a GIL).

ST 00-0202-GIL 09/12/2000 Retailers are prohibited from advertising or holding out that they will absorb the purchaser's Use Tax obligation. See 86 Ill. Adm. Code 150.515. (This is a GIL).

DEPARTMENT OF INSURANCE

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Privacy of Personal Information

2) Code Citation: 50 Ill. Adm. Code 4001

3)

Section Numbers:	Action:
4001.20	Modification
4001.30	Modification

4) Date Notice of Emergency Rules Published in the Register: 24 Ill. Reg. 12137, August 11, 2000

5) Date JCAR Statement of Objection Published in the Register: 24 Ill. Reg. 14809, October 6, 2000

6) Date agency submitted this modification to JCAR for approval: October 13, 2000

7) Summary of Action Taken by the Agency: In response to JCAR's objection, the Department will make the following changes:

a) In Section 4001.20, add "or any other Act of Chapter 215 of the Illinois Compiled Statutes" following "Code" in the first sentence.

b) In Section 4001.30, delete the definition of "Illinois Insurance Code".

c) In Section 4001.30, add "or any other Act of Chapter 215 of the Illinois Compiled Statutes" following "Code" in the first sentence.

DEPARTMENT OF INSURANCE

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER tt: INSURANCE INFORMATION AND PRIVACY PROTECTION

PART 4001
PRIVACY OF PERSONAL INFORMATION

Section
4001.10 Purpose
EMERGENCY
4001.20 Applicability
EMERGENCY
4001.30 Definitions
EMERGENCY
4001.40 Enforcement
EMERGENCY
4001.50 Effective Date
EMERGENCY

AUTHORITY: Implementing Article XL of the Illinois Insurance Code [215 ILCS 5/1001 through 1024] and Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 through 6827) and authorized by Section 401 and Article XL of the Illinois Insurance Code [215 ILCS 5/401 and 1001 through 1024].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 12137, effective July 31, 2000, for a maximum of 150 days; emergency rules modified in response to an objection of the Joint Committee on Administrative Rules at 24 Ill. Reg. _____, not to exceed the 150-day limit of the original rulemaking.

Section 4001.20 Applicability
EMERGENCY

This Part applies to all insurers, producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered, or domiciled pursuant to the Illinois Insurance Code or any other Act of Chapter 215 of the Illinois Compiled Statues. This Part also applies to unauthorized insurers who accept business placed through a licensed surplus line broker in this State, but only in regard to the surplus line placements placed pursuant to Section 445 of the Illinois Insurance Code [215 ILCS 5/445].

(Source: Emergency rules adopted at 24 Ill. Reg. 12137, effective July 31, 2000, for a maximum of 150 days; emergency rules modified in response to an objection of the Joint Committee on Administrative Rules at 24 Ill. Reg. _____, not to exceed the 150-day limit of the original rulemaking)

DEPARTMENT OF INSURANCE

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Section 4001.30 Definitions
EMERGENCY

Director means the Director of the Illinois Department of Insurance.

~~Illinois--Insurance--Code--means-any-of-the-Acts-in-Chapter-215-of-the-Illinois-Compiled-Statutes.~~

Licensee means all insurers, producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered, or domiciled pursuant to the Illinois Insurance Code or any other Act of Chapter 215 of the Illinois Compiled Statutes. Licensee shall also include unauthorized insurers who accept business placed through a licensed surplus line broker in this State, but only in regard to the surplus line placements placed pursuant to Section 445 of the Illinois Insurance Code [215 ILCS 5/445].

(Source: Emergency rules adopted at 24 Ill. Reg. 12137, effective July 31, 2000, for a maximum of 150 days; emergency rules modified in response to an objection of the Joint Committee on Administrative Rules at 24 Ill. Reg. _____, not to exceed the 150-day limit of the original rulemaking)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 10, 2000 through October 16, 2000 and have been scheduled for review by the Committee at its November 14, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
11/25/00	Department of Human Services, General Administrative Provisions (89 Ill Adm Code 10)	8/4/00 24 Ill Reg 11466	11/14/00
11/25/00	Secretary of State, Issuance of Licenses (92 Ill Adm Code 1030)	8/25/00 24 Ill Reg 12854	11/14/00
11/29/00	Department of Revenue, Income Tax (86 Ill Adm Code 100)	8/18/00 24 Ill Reg 12445	11/14/00

PROCLAMATIONS

2000-506
CELIAC AWARENESS MONTH

WHEREAS, celiac disease is a chronic disease of the small intestine, whereby, when gluten is ingested it damages the villous lining of the small intestine, which in turn disrupts the absorption of nutrients and causes inflammation of the small intestine; and

WHEREAS, this disruption results in a wide range of symptoms ranging from abdominal cramping, diarrhea, constipation, anemia, dermatitis herpetiformis, and chronic fatigue to more severe symptoms in patients that go undiagnosed for a long time, such as osteoporosis and lymphoma; and

WHEREAS, the symptoms of celiac disease can be, for the most part, controlled and relieved by following a strict gluten-free diet that is a diet free of wheat, rye, barley, oats, and their by-products; and

WHEREAS, many Illinoisans suffer from symptoms of celiac disease that have gone undiagnosed or misdiagnosed, often for decades;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2000 as CELIAC AWARENESS MONTH in Illinois.

Issued by the Governor September 28, 2000.

Filed by the Secretary of State October 10, 2000.

2000-507
CHANGE THE WORLD OF A CHILD WEEK

WHEREAS, within the State of Illinois, approximately 30 percent of students suffer from learning delays. These learning delays impair students' progress throughout their educational careers and further impair their abilities to become employed gainfully; and

WHEREAS, the Michael Allen LeGrand Memorial Scholarship and Neuroscience Research Foundation has been established to alter the course of education for the learning delayed population throughout the United States of America; and

WHEREAS, the Foundation is committed to raising funds for scholarships or research treatments for learning delays and the sponsorship of professional development opportunities for those educating the learning delayed; and

WHEREAS, the citizens, businesses and educators, both public and private, of the State of Illinois are called upon to celebrate Change the World of a Child Week in acknowledging and rewarding the efforts of learning delayed children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1-8, 2000, as CHANGE THE WORLD OF A CHILD WEEK in Illinois.

Issued by the Governor September 28, 2000.

Filed by the Secretary of State October 10, 2000.

2000-508
COLLISION REPAIR INDUSTRY PRIDE MONTH

WHEREAS, the board of directors of the National Auto Body Council has declared the month of October as Collision Repair Industry Pride Month; and

WHEREAS, the goal of Collision Repair Industry Pride Month is to generate interaction between the different segments of the collision repair industry and to help establish the positive image of an essential and professional industry;

and

WHEREAS, through Collision Repair Industry Pride Month, members of the National Auto Body Council and the St. Charles, Illinois, Auto Body Council Association want to educate the public about collision repair shops, repair safety issues, and what to look for when selecting a collision repair shop; and

WHEREAS, the State of Illinois would like to offer its support to the members of the National Auto Body Council and the St. Charles, Illinois, Auto Body Council Association for their efforts to educate our citizens about the collision industry and foster improved relations between the industry and consumers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2000 as COLLISION REPAIR INDUSTRY PRIDE MONTH in Illinois.

Issued by the Governor September 28, 2000.

Filed by the Secretary of State October 10, 2000.

2000-509
GLSEN CHICAGO TEACHING RESPECT FOR ALL DAY

WHEREAS, the State of Illinois actively strives to ensure that each member of every school community in Illinois is valued and respected regardless of sexual orientation; and

WHEREAS, the Gay and Lesbian Straight Education Network (GLSEN) Chicago chapter has worked since 1994 toward ending discrimination in schools; and

WHEREAS, GLSEN Chicago is a non-profit organization whose explicit purpose is to teach respect for all; and

WHEREAS, the organization works closely with the Chicago Public School System to promote the Safe Schools Program; and

WHEREAS, GLSEN Chicago provides resources to school communities throughout Chicagoland to help combat misconceptions, stereotypes, and lies about all youth; and

WHEREAS, the organization provides scholarships to civic-minded youth who have similar goals, regardless of sexual orientation; and

WHEREAS, Illinois was chosen by the national GLSEN organization as the venue for the 4th annual national conference, "Teaching Respect For All 2000";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6, 2000, as GLSEN CHICAGO TEACHING RESPECT FOR ALL DAY in Illinois.

Issued by the Governor September 28, 2000.

Filed by the Secretary of State October 10, 2000.

2000-510
MAHATMA GANDHI DAY

WHEREAS, Mahatma Gandhi was born on October 2, 1869, at Porbandr, Kathiawar, India, and died January 30, 1948; and

WHEREAS, he was an apostle of peace, an epitome of all that is true, good, and noble in India's ageless culture, a symbol of the immortal, authentic voice of India, and a sage who dedicated his whole life to serve and save mankind, sparing no opportunity to spare man from evil; and

WHEREAS, Gandhi was the Father of the Indian nation whose powerful weapons were non-violence and satyagraha to fight the British; and

WHEREAS, he made it possible for the Government of India to pass back out of British into Indian hands without mutual bloodshed, and for the Indian and

British peoples to become friends on a footing of equality; and

WHEREAS, he has suffered with those he has seen suffer, and has taken all the tribulation of his people upon himself, fighting for their freedom and fasting for their sins; and

WHEREAS, Gandhi once said, "my work will be finished if I succeed in carrying the conviction of the human family that every man or woman, however weak in body, is the guardian of his or her self-respect and liberty;"

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2, 2000, as MAHATMA GANDHI DAY in Illinois.

Issued by the Governor September 28, 2000.

Filed by the Secretary of State October 10, 2000.

2000-511
POLISH AMERICAN HERITAGE MONTH

WHEREAS, Polish immigrants sought freedom, democracy, and a better way of life in America and brought with them cherished national customs, their love of closely-knit family life, and their love for their adopted country; and

WHEREAS, October is a national observance focusing on the many contributions of Polish Americans to the field of science, medicine, business, law, industry, public service, education, and the arts; and

WHEREAS, in October, we join Americans of Polish descent to celebrate their priceless heritage of humanitarianism, tolerance, and democracy; and

WHEREAS, the Polish Museum of America sponsors a Polish American Heritage Celebration and Polish American Heritage children's art contest; and

WHEREAS, the Polish American Congress will sponsor several events including the Annual Heritage Awards honoring award-winning actress Christine Baranski and World War II flying ace Colonel Francis Gabreski; and

WHEREAS, a joint project of the Polish American Congress and the Adler Planetarium and Astronomy Museum will sponsor an exhibit and educational curriculum program entitled "The Remarkable Works of Copernicus, Hevelius & the Other Historic Polish Astronomers"; and

WHEREAS, the Office of Alumni Affairs and the Council of Educator in Polonia sponsor the heritage celebration at the Northeastern Illinois University;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2000 as POLISH AMERICAN HERITAGE MONTH in Illinois.

Issued by the Governor September 28, 2000.

Filed by the Secretary of State October 10, 2000.

2000-512
RESPECT LIFE WEEK

WHEREAS, the Preamble of the Constitution of the United States was designated for the people of this land to "secure the blessings of liberty to ourselves and our posterity"; and

WHEREAS, the Declaration of Independence states that we are endowed by our creator with certain inalienable rights, including the right to life; and

WHEREAS, the life of each person is sacred-the young and the old, the healthy and the sick, the gifted and disadvantaged; and

WHEREAS, the purpose of Respect Life Week is to remind the American people of the dignity of human life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

October 1-8, 2000, as RESPECT LIFE WEEK in Illinois.
Issued by the Governor September 28, 2000.
Filed by the Secretary of State October 10, 2000.

2000-513
TEMPORARY HELP WEEK

WHEREAS, the temporary help industry is a major contributor to a strong U.S. economy; and
WHEREAS, the temporary help industry provides millions of people with diversified, flexible employment and job training; and
WHEREAS, the temporary help industry provided more than 2.9 million jobs daily in 1999; and
WHEREAS, the temporary help industry was responsible for a payroll that was approximately $75 billion in 1999; and
WHEREAS, temporary help companies provide our State's businesses with efficient, qualified people to solve temporary staff shortages; and
WHEREAS, this immediacy in solving staff shortages is so important that nine out of 10 companies, ranging from small local businesses to major corporations, use temporary help services for their additional staffing needs; and
WHEREAS, the temporary help industry provides tens of thousands of full-time jobs by acting as a bridge to those jobs;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2-8, 2000, as TEMPORARY HELP WEEK in Illinois.
Issued by the Governor September 28, 2000.
Filed by the Secretary of State October 10, 2000.

2000-514
STEFAN KUROPAS DAY

WHEREAS, Stefan Kuropas was born in Ukraine, in the small village Selyska, in the district of Peremyszyl on October 1, 1900; and
WHEREAS, as a young student he joined the Ukrainian army in 1914, during World War I, and after the war immigrated to the United States of America and settled in Chicago; and
WHEREAS, he became very active in the Ukrainian community, joining many organizations, such as the Ukrainian National Association Inc., the Ukrainian American Republican Party, and O.D.W.U., where he served as president for 25 years; and
WHEREAS, Stefan Kuropas was president of the Ukrainian publishing and printing company, as well as editor of the magazine, "Independent Ukraine" and has published many articles in the Ukrainian daily newspaper "Svoboda" and other Ukrainian magazines; and
WHEREAS, many Ukrainians consider him a pioneer of Ukrainian life in the United States, devoting almost 75 years of his social work to the Ukrainian community in Chicago; and
WHEREAS, on October 1, 2000, the Ukrainian community is planning a special dinner party honoring Stefan Kuropas on his 100th birthday;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1, 2000, as STEFAN KUROPAS DAY in Illinois.
Issued by the Governor September 29, 2000.
Filed by the Secretary of State October 10, 2000.

2000-515
WORLD FARM ANIMALS DAY

WHEREAS, most people believe that animals raised for food should be accorded humane and sanitary treatment rather than caging, crowding, deprivation, drugging, mutilation, and manhandling that prevail in today's "factory farms" and stockyards; and
WHEREAS, farming should be designed to protect our environment and to conserve our resources rather than destroying the viability of our public lands and waterways and depleting our water, soil, and energy resources; and
WHEREAS, our food supply should be safe and wholesome rather than laced with pathogens, fat, cholesterol, hormones, and carcinogens leading to heart disease, stroke, cancer, an other chronic afflictions that each year cripple and kill millions; and
WHEREAS, for the past 18 years, World Farm Animals Day has been calling public attention to these pressing issues on October 2nd, the birthday anniversary of Mahatma Gandhi, the world's foremost advocate of humane, sustainable farming;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2, 2000, as WORLD FARM ANIMALS DAY in Illinois.
Issued by the Governor September 29, 2000.
Filed by the Secretary of State October 10, 2000.

2000-516
CHRISTOPHER COLUMBUS DAY

WHEREAS, Christopher Columbus and other distinguished Italians have played a significant role in the growth of American civilization; and
WHEREAS, the Italian American community has preserved and proudly shared their rich culture, heritage and talents with our State and its citizens; and
WHEREAS, Italian Americans have contributed greatly to Illinois in all areas of life including education, business, science, medicine, arts, sport, entertainment, and government; and
WHEREAS, the Joint Civic Committee of Italian Americans, founded in 1950, is an umbrella organization for more than 75 organizations dedicated to charitable causes and promoting Italian heritage and culture; and
WHEREAS, Joseph M. Gagliardo President of the Joint Civic Italian American Committee, announces the annual 48th Christopher Columbus Day Parade will be held October 9, 2000, in Chicago; and
WHEREAS, Anthony Falduto and Paul Butera are the Co-chairmen of Christopher Columbus Day Parade; and
WHEREAS, State Representative Angelo "Skip" Saviano, who is commended for his many years of dedication and commitment to the Italian American community, will precede the 2000 Christopher Columbus Day Parade as Grand Marshal;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 9, 2000, as CHRISTOPHER COLUMBUS DAY in Illinois.
Issued by the Governor October 2, 2000.
Filed by the Secretary of State October 10, 2000.

2000-517
MCDONALD'S FOUNDERS WEEK 2000

WHEREAS, the founder of McDonald's, Ray Kroc, was born in Oak Brook, Illinois; and

WHEREAS, Ray Kroc began his internationally renowned "Golden Arches" restaurant in Des Plaines, Illinois; and

WHEREAS, McDonald's restaurants are now in 588 locations in Illinois and employ over 35,000 Illinois residents; and

WHEREAS, the McDonald's Corporation is holding a Founder's Week Kick-Off event on October 3, 2000, to maximize the size, strength, and dedication of the McDonald's system to give back to communities nationwide; and

WHEREAS, Founder's Week exposes employees to an important teambuilding, professional, and personal development activity while helping organizations in need and includes nationwide participation with thousands of McDonald's home offices, regional and divisional employees, and suppliers; and

WHEREAS, Founder's Week is a one-week activity that celebrates all the volunteer and community involvement work that occurs year-round throughout the McDonald's system because giving back to the community is part of their commitment to be a socially responsible company that invests in its people; and

WHEREAS, the goal of Founder's Week 2000 is to surpass the 25,000 volunteer hours donated during just one week in 1999; and

WHEREAS, Chicago organizations participating in Founder's Week 2000 include: Chicago Public Schools, Chicago Park District, Gateway Green, Mary Gonzales "Nanny to the Neighborhood," Ronald McDonald Houses, Big Shoulders Fund, Center for New Horizons, Children's Place, and St. Joseph Carondelet Child Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 3, 2000, as MCDONALD'S FOUNDERS WEEK 2000 in Illinois.

Issued by the Governor October 2, 2000.

Filed by the Secretary of State October 10, 2000.

2000-518
CHINESE CHRISTIAN UNION CHURCH DAY

WHEREAS, as more Chinese came from the west coast, a cooperative effort by five denominations (Presbyterians, Baptists, Methodists, Congregationalists, and the Disciples of Christ) resulted in the creation of the "Chinese Sunday School"; and

WHEREAS, in 1915, the Chinese Evangelical Church was created due to a large increase in the Chinese population, and the dedication service was held on Sunday, October 10, with Reverend Gum-Lum Lee as the pastor; and

WHEREAS, in 1932, the name of the church was officially changed to Chinese Christian Union Church to reflect the support of five denominations and the Church Federation of Chicago; and

WHEREAS, by the late 1950s, the church membership grew to 150 people, and the mission program increased its financial support to mission organizations, donating 300 pounds of used cloth and 500 food care packages to Hong Kong to be distributed by churches over there; and

WHEREAS, in 1964, the first workers' retreat was held in brother Stephan Yeh' home, and in May, the church began holding two Sunday services, the morning service conducted in English to cater to the interest of American-born Chinese, and a bilingual afternoon service; and

WHEREAS, during the last 20 years, the number of members has continued to rise, and the church has expanded with the addition of the Pui Tak Building; and

WHEREAS, the Chinese Christian Union Church is celebrating its 85th anniversary on October 10, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10, 2000, as CHINESE CHRISTIAN UNION CHURCH DAY in Illinois.

Issued by the Governor October 3, 2000.

Filed by the Secretary of State October 10, 2000.

2000-519
CLONMEL DAY

WHEREAS, the Sister City program was originated in 1948 by President Eisenhower as being a "people to people" method of international diplomacy designed to promote cultural interchange between two communities, following the precepts that the better people get to know each other, the better they can co-exist in the world; and

WHEREAS, the objective of this Sister City relationship is to promote commercial, cultural, tourism, and sporting relations so that both communities will be enriched by this exchange, both economically and professionally; and

WHEREAS, the City of Peoria, in the heartland of the State of Illinois, signed a Sister City declaration on August 22, 1998, with the town of Clonmel, County Tipperary, Ireland; and

WHEREAS, an official delegation of 18 members of the Twinning Commission and town government from Clonmel will be visiting Peoria the second week of October, and the "Friends of Clonmel" organization of Peoria is planning a bus trip to visit the State Capitol in Springfield; and

WHEREAS, the City of Peoria and the City of Springfield welcome this delegation from Clonmel, County Tipperary, Ireland, and assure them that all courtesies shall be extended to them throughout the length of their visit;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12, 2000, as CLONMEL DAY in Illinois.

Issued by the Governor October 3, 2000.

Filed by the Secretary of State October 10, 2000.

2000-520
HISPANIC NATIONAL BAR ASSOCIATION CONVENTION DAYS

WHEREAS, the Hispanic National Bar Association (HNBA) will hold its 25th anniversary convention in Chicago on October 5, 2000; and

WHEREAS, the HNBA is the incorporated, nonprofit, national association representing the interest of over 25,000 Hispanic-American attorneys, judges, law professors, and law students in the United States and Puerto Rico committed to promoting the goals and objectives of the Association; and

WHEREAS, the HNBA has been the principle force behind the increased representation of Hispanics in all sectors of the legal profession, and has served as the legal voice for Hispanics for 20 years; and

WHEREAS, since 1975, the HNBA, along with its charitable sister organization, the Hispanic National Bar Fund, has held annual national conventions offering educational seminars, continuing legal education classes, and social functions that have attracted thousands of members and their friends in the legal profession; and

WHEREAS, in 1996, the Board of Governors of the HNBA selected the City of Chicago as the site to host its 25th Anniversary Convention in the year 2000,

and given the extraordinary location and the significance of this milestone, it is anticipated to be the most well-attended convention in the HNBA's history, with over 600 attorneys in attendance;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 5-8, 2000, as HISPANIC NATIONAL BAR ASSOCIATION CONVENTION DAYS in Illinois.

Issued by the Governor October 3, 2000.

Filed by the Secretary of State October 10, 2000.

2000-521
SAMAHAN SA BARYO DAY

WHEREAS, 25 years ago, the Samahan sa Baryo, a friendly organization in a small locality, was formed by 11 Filipino-American families on the southwest side of Chicago to help members adapt to the United States, celebrate their culture and religion, and socialize together; and

WHEREAS, Samahan sa Baryo is still a social organization, but reaches out to help others with financial assistance and other forms of aid, both here in the United States and in the Philippines; and

WHEREAS, the first meeting of Samahan sa Baryo was held on May 5, 1976, and the first Kapitan was Ogee Corcuera; and

WHEREAS, the official language of the group is Filipino or Tagalog, and today, about 200 families gather in Samahan sa Baryo for the Father's Day picnic, the anniversary ball in October, the Christmas party in December, and the Simbang Gabi, evening masses held in anticipation of the birth of Jesus; and

WHEREAS, Samahan sa Baryo has annual golf tournaments, health seminars, and classes that teach the history of the Philippines and dance, and future plans include donating to a homeless shelter, sponsoring a soccer tournament, and continuing to send donations to the Philippines;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7, 2000, as SAMAHAN SA BARYO DAY in Illinois.

Issued by the Governor October 3, 2000.

Filed by the Secretary of State October 10, 2000.

2000-522
REFUGEE WEEK

WHEREAS, the United States has long been a symbol of hope and a source of substantial aid for refugees around the world; and

WHEREAS, the year 2000 is the 20th anniversary of the Refugee Act, the 25th anniversary of Southeast Asian resettlement, and the 50th anniversary of the United Nations High Commissioner for Refugees; and

WHEREAS, October 24, 2000, marks the 56th anniversary celebration of the United Nations; and

WHEREAS, Illinois has resettled 110,000 refugees from more than 30 countries since 1975, and is the fifth largest receiving state; and

WHEREAS, the Illinois Department of Human Services and its predecessor, the Illinois Department of Public Aid, have for 24 years administered the Refugee Resettlement Program as a public-private partnership that coordinated employment and adjustment services through a consortium of community-based organizations throughout the State; and

WHEREAS, Illinois remains committed to assisting refugees and to contributing toward international relief efforts and will support the United Nations High Commissioner for Refugees; and

WHEREAS, the demise of communism and the triumph of democratic movements around the world have brought about an era of promise and opportunity so that all peoples might enjoy the blessings of freedom and security in their respective homelands;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 23-27, 2000, as REFUGEE WEEK in Illinois.

Issued by the Governor October 4, 2000.

Filed by the Secretary of State October 10, 2000.

2000-523
SLOVENIAN DAY

WHEREAS, on October 21, 2000, Slovenians in Illinois will celebrate the 9th anniversary of the independence of the Republic of Slovenia and the 50th anniversary of Slovenian radio broadcasting in the Chicago area; and

WHEREAS, 2000 marks the 50th anniversary of the Slovenian Day Festival in Illinois; and

WHEREAS, Slovenian Day is a celebration of Slovenian artists, folklore, singing, dancing, and crafts; and

WHEREAS, thousands of Slovenian Americans have been living in Illinois for generations and have contributed much to the progress and development of the State; and

WHEREAS, a special Independence Day program will be shared by all Illinois citizens on October 21, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21, 2000, as SLOVENIAN DAY in Illinois.

Issued by the Governor October 4, 2000.

Filed by the Secretary of State October 10, 2000.

2000-524
VIC WUNDERLE DAY

WHEREAS, Vic Wunderle of Mason City, Illinois, represented his city, State, and nation at the 2000 Olympic Games in Sydney Australia; and

WHEREAS, in his first Olympic appearance, Vic Wunderle won the silver medal in the individual men's archery finals and the bronze medal in the team competition; and

WHEREAS, Vic Wunderle has achieved much success in the sport of archery, becoming a three-time U.S. Intercollegiate champion and a four-time Junior National Outdoor champion; and

WHEREAS, he has shown great distinction, poise, and determination, and has served as a positive role model and example for the youth of Illinois and the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7, 2000, as VIC WUNDERLE DAY in Illinois.

Issued by the Governor October 4, 2000.

Filed by the Secretary of State October 10, 2000.

2000-524 (REVISED)

VIC WUNDERLE DAY

WHEREAS, Vic Wunderle of Mason City, Illinois, started shooting archery 20 years ago at the age of 4 and entered his first tournament at age 5, and won; and

WHEREAS, he has achieved much success in the sport of archery, winning over 30 national titles and two junior world championships in 1991 and 1994; and

WHEREAS, he has set numerous national records and several world records, and for the last two or three years has been the top archery shooter in the United States; and

WHEREAS, Vic Wunderle represented his city, State, and nation at the 2000 Olympic Games in Sydney Australia; and

WHEREAS, in his first Olympic appearance, Vic Wunderle won the silver medal in the individual men's archery finals and the bronze medal in the team competition; and

WHEREAS, he has shown great distinction, poise, and determination, and has served as a positive role model and example for all athletes in Illinois and the United States; and

WHEREAS, in addition to his sports career, Vic Wunderle shows great determination in his academic career, returning to Texas A & M University to pursue a wildlife degree; and

WHEREAS, in recognition of all of his success and personal achievements, his hometown of Mason City, Illinois, is holding a celebration in his honor on Saturday, October 7, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7, 2000, as VIC WUNDERLE DAY in Illinois.

Issued by the Governor October 5, 2000.

Filed by the Secretary of State October 13, 2000.

2000-525
CAREER DEVELOPMENT MONTH/GROUNDHOG JOB SHADOW DAY

WHEREAS, the State of Illinois recognizes the importance of career development and provides rigorous and relevant career awareness, exploration, and development opportunities for each and every individual; and

WHEREAS, career development helps individuals understand, select, and prepare for those occupations that will provide careers in the increasingly challenging labor market in the future; and

WHEREAS, individuals may change careers or be retrained several times, making career development a life-long process that reaches far beyond the schools; and

WHEREAS, the State of Illinois continues to emphasize career development for all people to assist them in preparing for the future through programs of the State Board of Education, the Welfare To Work initiative, and the Illinois Employment and Training Center network; and

WHEREAS, the State of Illinois recognizes and celebrates the importance of individuals experiencing the workplace firsthand through mentoring and job shadowing programs; and

WHEREAS, private industry also recognizes the importance of partnerships between schools and businesses to ensure the economic prosperity of Illinois today and the ability of our students to participate in the global workplace of tomorrow; and

WHEREAS, stakeholders in local communities must collaborate and cooperate to ensure that each and every individual in Illinois receives equal opportunity education and training that will meet their career goals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as CAREER DEVELOPMENT MONTH and February 2, 2001, as GROUNDHOG JOB SHADOW DAY in Illinois.

Issued by the Governor October 6, 2000.

Filed by the Secretary of State October 13, 2000.

2000-526
THE ORDER OF THE EASTERN STAR DAYS

WHEREAS, The Order of the Eastern Star, one of the organizations of the Masonic Family, is the largest non-profit organization in the world in which both men and women may belong; and

WHEREAS, today, there are Eastern Star Chapters in over 20 nations around the world, including Europe, Asia, Canada, Central and South America, as well as 50 states of the United States, with 285 Chapters in Illinois and nearly 40,000 members; and

WHEREAS, for the first time in 124 years of existence of this worldwide organization, the Illinois Grand Chapter has a Brother, Lennart A. Johnson, holding the highest elective office a man can hold, Most Worthy Grand Patron; and

WHEREAS, this year's international convention will be held in Detroit, Michigan, October 27-November 2, 2000, with over 10,000 members in attendance;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27-November 2, 2000, as THE ORDER OF THE EASTERN STAR DAYS in Illinois.

Issued by the Governor October 6, 2000.

Filed by the Secretary of State October 13, 2000.

2000-527
AMERICORPS VISTA DAYS

WHEREAS, in 1964, President Lyndon B. Johnson signed the "War on Poverty" legislation under the Economic Opportunity Act, creating VISTA; and

WHEREAS, since 1965, when the first 20 members began their service to America, the numbers of persons who have served has swelled to more than 130,000; and

WHEREAS, over the last 35 years, 3,790 VISTA volunteers have served in Illinois working in all types of endeavors and in every corner of Illinois; and

WHEREAS, these volunteers have provided untold measures of service in attempting to better the lives of those who have been left out of the main stream by raising them up through self-help and self-sufficiency projects; and

WHEREAS, these volunteers have met this challenge by committing their full-time services to their host communities for at least one year and serving for a second or third year of service; and

WHEREAS, a national celebration honoring this auspicious anniversary is being held in Washington, D.C. on October 12-14, 2000; and

WHEREAS, it is fitting to recognize all those who have served Illinois in the past and the 208 AmeriCorps VISTA volunteers presently serving Illinois in 42 different local and State organizations across Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

October 12-14, 2000, as AMERICORPS VISTA DAYS in Illinois.
Issued by the Governor October 10, 2000.
Filed by the Secretary of State October 13, 2000.

2000-528
GOOGOOSH DAY

WHEREAS, Illinois is enriched by being home to a diverse host of cultures from different parts of the world; and
WHEREAS, the Iranian-American community of Illinois with its contributions is an important part of our diversity; and
WHEREAS, Googoosh, the legendary Iranian pop star, will give a historic concert on October 28, 2000, at the Globe Communication after 20 years of silence; and
WHEREAS, Illinois will be the host of thousands of Googoosh's fans from Afghanistan, Azerbaijan, Dubai, Kuwait, Turkey and the Mid-Western States; and
WHEREAS, Googoosh has been an inspiring role model to fans of all ages and, as a woman, she has a significant impact on the quest for freedom and democracy;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 28, 2000, as GOOGOOSH DAY in Illinois.
Issued by the Governor October 11, 2000.
Filed by the Secretary of State October 13, 2000.

2000-529
ILLINI FRIDAY

WHEREAS, the University of Illinois is an integral part of Champaign-Urbana and the entire State of Illinois with its 37,000 students, 1,800 faculty, and more than 340,000 alumni; and
WHEREAS, October 8 through October 15, 2000, is Homecoming at the University of Illinois; and
WHEREAS, Fighting Illini Spirit has been a long-running tradition in the Champaign-Urbana area and the entire State of Illinois; and
WHEREAS, the Champaign-Urbana Convention and Visitors Bureau, in conjunction with the University of Illinois Division of Intercollegiate Athletics wish to ignite the Fighting Illinois Spirit into a flame of community support; and
WHEREAS, the City of Champaign and the City of Urbana have proclaimed every Friday from September 1, 2000, to May 11, 2001, as Illini Fridays; and
WHEREAS, staff members of area businesses and organizations, schools, hospitals, nursing homes, restaurants, the mall, service organizations, and the University of Illinois community, including fraternities, sororities, and University employees, as well as every citizen in Champaign-Urbana are requested to not only wear orange and blue, but to also decorate offices and work areas in the Fighting Illini colors; and
WHEREAS, the combination of the Fighting Illini Spirit and the Community Spirit guarantees an undeniable pride between students and the community;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13, 2000, as ILLINI FRIDAY in Illinois.
Issued by the Governor October 11, 2000.
Filed by the Secretary of State October 13, 2000.

2000-530
LASALLE BANK CHICAGO MARATHON WEEK

WHEREAS, the 23rd annual LaSalle Bank Chicago Marathon will be held on Sunday, October 22, 2000; and
WHEREAS, with the support of LaSalle Bank and over 30 other sponsors, this year's marathon promises to be the biggest and best ever; and
WHEREAS, more than 35,000 runners are expected to participate from nearly 40 countries and all 50 states; and
WHEREAS, an estimated 750,000 spectators are expected to line 26.2 miles of Chicago's streets from Grant Park to Lincoln Park to South Commons; and
WHEREAS, during race weekend, more than 6,000 volunteers, including 1,200 men and women from the Chicago Police, Park District, Public Works, and Streets and Sanitation Departments will help produce a safe event;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 16-22, 2000, as LASALLE BANK CHICAGO MARATHON WEEK in Illinois.
Issued by the Governor October 11, 2000.
Filed by the Secretary of State October 13, 2000.

2000-531
PRIMARY CARE WEEK 2000

WHEREAS, The American Medical Student Association is a 50-year-old independent association, representing nearly 30,000 physicians-in-training at nearly 150 allopathic and osteopathic medical schools; and
WHEREAS, The American Medical Student Association Foundation is celebrating National Primary Care Week 2000: Caring for Communities at nearly every one of the country's medical schools to introduce health profession students to the importance of community-responsive primary care and to encourage their collaboration as members of future health care teams; and
WHEREAS, piloted in 1999, National Primary Care Week was created in response to the crisis of America's underserved communities, in recognition of primary care's enormous impact on basic human health, and in promotion of careers in primary care for all types of health professionals; and
WHEREAS, National Primary Care Week highlights primary care issues, and the goals of the program are to improve health professional students' understanding of primary care, demonstrate the importance of collaboration between primary care professionals and the communities they serve, and to introduce students to policy issues surrounding primary care and the political process;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15-21, 2000, as PRIMARY CARE WEEK 2000 in Illinois.
Issued by the Governor October 11, 2000.
Filed by the Secretary of State October 13, 2000.

2000-532
UNITED HELLENIC AMERICAN CONGRESS DAY

WHEREAS, October 21, 2000, marks the 25th annual dinner of the United Hellenic American Congress; and
WHEREAS, the United Hellenic American Congress was founded in 1975 to serve as the umbrella and unifying organizations for Hellenic Americans; and
WHEREAS, the organization functions on local, regional, and national levels

to promote Greek heritage and culture, enhance relations between Greece and the United States, and improve communications and unity between Greek-Americans and fellow Americans; and

WHEREAS, the United Hellenic American Congress will honor and recognize Johnny Eoonomy, Supreme President of the Order of AHEPA, who has aspired to help and promote Hellenism throughout his life; and

WHEREAS, the United Hellenic American Congress will also recognize Thomas A. Athens, Frank S. Kamberos, and His Excellency George Papandreou, the minister of foreign affairs of Greece, for being exemplary individuals who have dedicated their lives in helping others and have been an essential element in UHAC's growth over the past 25 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21, 2000, as UNITED HELLENIC AMERICAN CONGRESS DAY in Illinois.

Issued by the Governor October 11, 2000.

Filed by the Secretary of State October 13, 2000.

2000-533
WENDELL PHILLIPS HIGH SCHOOL HALL OF FAME DAY

WHEREAS, on October 20, 2000, The Wendell Phillips High School Academy, Hall of Fame Committee will host its Hall of Fame Millennium; and

WHEREAS, 30 Phillips graduates who have become outstanding role models in their chosen professions will be recognized at the induction ceremony; and

WHEREAS, the Hall of Fame Committee seeks to preserve the school's motto, "Enter to learn, learn to serve," by providing scholarships and support services to the students and graduates of Wendell Phillips; and

WHEREAS, the committee identifies and inducts both individuals and families who are role models into the Hall of Fame in order "to inspire the students to aspire to greatness"; and

WHEREAS, this year's inductees include: Cameron Beam, Business; Jenyce Bond-Caldwell, Medicine; Attorney Ernesto Borges, Jr., Law; Andrew F. Brown, Public Administration; Dr. Jacqueline J. Buford, Education; Keith Cooper, Social Services; Neifia Orbresia Dority, Business; Theodore E. Evans, Business; Della A. Ezell, Social Services; Dr. Barbara A. Hall, Education; Forrest T. Harris, Business; Samuel Harris, Public Service; Kenneth Harvey, Business; Dr. Dorothy B. Holley-Turner, Social Services; Mellonie Harris Hubert, Business; Robert Jackson, Business; Eddie L. Jones II, Business; Paul Jordan, Business; Jethroe Knazze, Jr., Education; Rev. Samuel "Billy" Kyles, Religion; Dr. Gwendolyn May-Barlow, Education; William McClellan, Education; William J. Murray, Military; Attorney Bruce Nash, Law; Vianna Nolen-Peters, Education; Curtis Pitts, Athletics; Gladys J. Pruitt, Education; Anthony Rainey, Education; Anthony Maurice Spivey, Education; Deedra Yvonne Walker, Business; Lucy A. Walker, Social Services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2000, as WENDELL PHILLIPS HIGH SCHOOL HALL OF FAME DAY in Illinois.

Issued by the Governor October 11, 2000.

Filed by the Secretary of State October 13, 2000.

Rules acted upon during the calendar quarter from Issue 43 through Issue 53 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us on the Internet.

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